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MISCELLANEOUS NATIONAL PARKS MEASURES

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

ON

S. 1852 AND H.R. 3545, S. 1990, S. 2011 AND H.R. 2843, S. 2067 AND H.R. 3834, S. 2072, S. 2262, S. 2437, AND S. 2566

MAY 17, 1990

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MISCELLANEOUS NATIONAL PARKS MEASURES

THURSDAY, MAY 17, 1990

U.S. Senate,
Subcommittee on Public Lands,
National Parks, and Forests,
Committee on Energy and Natural Resources,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:05 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Dale Bumpers, presiding.

OPENING STATEMENT OF HON. DALE BUMPERS, U.S. SENATOR FROM ARKANSAS

Senator **Bumpers**. The Committee will come to order. The purpose of today's hearing is to receive testimony on several bills currently pending before the Subcommittee on Public Lands, National Parks, and Forests.

S. 1852 and H.R. 3545, to amend the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historic Park Commission; S. 1990, to establish the Cliff Walk National Historic Site in Rhode Island; S. 2011 and H.R. 2843, to authorize the expansion of the Tumacacori National Monument in Arizona; S. 2067 and H.R. 3834, to amend the National Trail System Act to designate the route from Selma to Montgomery for study for potential addition to the national trails system; S. 2072, to authorize a study of the nationally significant places in American Labor's History; S. 2262, to designate segments of the Sudbury, Assabet, and Concord Rivers as a study area for the inclusion in the National Wild and Scenic Rivers System; S. 2437, to authorize the acquisition of certain lands in the State of Louisiana for inclusion in the Vicksburg National Military Park; and S. 2566, to redesignate the Sunset Crater National Monument in Arizona as Sunset Crater Volcano National Monument.

I would like to remind each of our witnesses that their entire written statement will be included in the hearing record. Accordingly, I ask you to please summarize your testimony and try to limit your remarks to no more than five minutes.

At this time, I will place copies of all the bills in the hearing record. The record will remain open for 2 weeks to receive additional comments and testimony.

[The texts of the legislation and a statement by Senator Wallop follow:]

101st CONGRESS
1st Session

S. 1852

To amend the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission.

IN THE SENATE OF THE UNITED STATES

November 8 (legislative day, November 6), 1989

Mr. Sarbanes (for himself and Ms. Mikulski) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To amend the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

(a) Vacancy.—Section 6(c) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-4(c)) is amended by adding at the end the following: "A member shall serve after the expiration of his term until his successor has taken office.".

(b) TERMINATION.—Section 6(g) of such Act (16 U.S.C. 410y-4(g)) is amended by striking "twenty" and inserting "thirty".

101st CONGRESS
2d Session

H. R. 3545

IN THE SENATE OF THE UNITED STATES

April 25 (legislative day, April 18), 1990

Received; read twice and referred to the Committee on Energy and Natural Resources

---

AN ACT

To amend the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

(a) Vacancy.—Section 6(c) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-4(c)) is amended by adding at the end the following: "A member may serve after the expiration of his term until his successor has taken office.".

(b) TERMINATION.—Section 6(g) of such Act (16 U.S.C. 410y–4(g)) is amended by striking "twenty" and inserting "thirty".

Passed the House of Representatives April 24, 1990.

Attest: DONNALD K. ANDERSON,
Clerk.

101st CONGRESS
1st Session

S. 1990

To establish the Cliff Walk National Historic Site.

IN THE SENATE OF THE UNITED STATES

November 21 (legislative day, November 6), 1989

Mr. Pell (for himself and Mr. Chafee) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To establish the Cliff Walk National Historic Site.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cliff Walk National Historic Site Act".

SEC. 2. ESTABLISHMENT OF PARK.

(a) In General.—There is established as a unit of the National Park System the Cliff Walk National Historic Site (referred to as the "Cliff Walk").

(b) Area Included.—The Cliff Walk shall consist of lands and interests in land comprising the walkway of approximately 3½ miles and varying widths known as the Cliff

Walk in Newport, Rhode Island, as generally depicted in the map contained in the study entitled "The Cliff Walk—A Special Resource Study" dated July 1989, prepared by the National Park Service.

(c) MAP.—Not later than 1 year after the date of enactment of this Act, the Secretary if the Interior shall make available for public inspection in the office of the National Park Service in Washington, D.C., a map showing the lands and interests in land comprising the Cliff Walk.

SEC. 3. REPAIR, MAINTENANCE, AND INTERPRETATION.

(a) REPAIR AND IMPROVEMENT OF THE CLIFF WALK.—The Secretary of the Army shall make repairs and improvements to portions of the Cliff Walk as necessary to make the walk safe and to enhance its natural and cultural values.

(b) MAINTENANCE AND INTERPRETATION OF THE CLIFF WALK.—The Secretary of the Interior, in cooperation with State and local officials and other interested persons, shall develop a joint management agreement providing for the maintenance and interpretation of the Cliff Walk using the resources of the National Park Service, State and local agencies, and private persons and organizations.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $3,000,000 for repair and improvement of the Cliff Walk.

101st CONGRESS
2d Session

S. 2011

To authorize the expansion of the Tumacacori National Monument.

IN THE SENATE OF THE UNITED STATES

January 23, 1990

Mr. DeConcini introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To authorize the expansion of the Tumacacori National Monument.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HISTORIC PROPERTIES.

In order to protect and interpret, for the education and benefit of the public, sites associated with the early Spanish missionaries and explorers of the seventeenth and eighteenth centuries, the Secretary of the Interior, hereinafter referred to as the "Secretary," is authorized to acquire the following described properties in the State of Arizona:

(1) the ruins of Los Santos Angeles de Guevavi, the first mission in Arizona, consisting of approximately seven acres; and

(2) the Kino visita and rancheria ruins of Calabazas, consisting of approximately twenty-two acres.

The properties are those generally depicted as "proposed additions" on the map entitled, "Kino Missions," numbered, and dated 1989, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

SEC. 2. ACQUISITION AND ADMINISTRATION.

Within the boundaries depicted on the map referred to in section 1 of this Act, the Secretary of the Interior is authorized to acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, except that property owned by the State of Arizona or any political subdivision thereof may be acquired only by donation. Lands and interests in lands acquired pursuant to this Act shall be administered by the Secretary as part of Tumacacori National Monument, subject to all the laws and regulations applicable to such a monument.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

101st CONGRESS
2d Session

H.R. 2843

IN THE SENATE OF THE UNITED STATES

March 20 (legislative day, January 23), 1990

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To establish the Tumacacori National Historical Park in the State of Arizona.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TUMACACORI NATIONAL HISTORICAL PARK.

(a) Establishment.—In order to protect and interpret, for the education and benefit of the public, sites in the State of Arizona associated with the early Spanish missionaries and explorers of the 17th and 18th centuries, there is hereby established the Tumacacori National Historical Park (hereinafter in this Act referred to as the "park").

(b) AREA INCLUDED.—The park shall consist of the existing Tumacacori National Monument, together with (1) the ruins of Los Santos Angeles de Guevavi, the first mission in Arizona (consisting of approximately 8 acres) and (2) the Kino visita and rancheria ruins of Calabazas (consisting of approximately 22 acres), each as generally depicted on the map entitled "Boundary Map, Tumacacori National Historical Park", numbered 311/80018, and dated February 1990. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(c) ABOLITION OF MONUMENT.—The Tumacacori National Monument is hereby abolished and any funds available for purposes of the monument shall be available for purposes of the park.

SEC. 2. ADMINISTRATION.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as the "Secretary") shall administer the park in accordance with this Act and with the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467). The Secretary may acquire lands or interests in land within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange.

(b) DONATIONS.—Notwithstanding any other provision of law, the Secretary may accept and retain donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

(c) SEPARATE UNITS.—The Secretary shall provide for the identification of the Guevavi, Calabazas, and Tumacacori sites as 3 separate units of the park.

(d) RECOGNITION OF FATHER EUSEBIO FRANCISCO KINO'S ROLE.—In administering the park, the Secretary shall utilize such interpretative materials and other devices as may be necessary to give appropriate recognition to the role of the Jesuit Missionary Priest, Father Eusebio Francisco Kino, in the development of the mission sites and the settlement of the region.

Passed the House of Representatives March 13, 1990.

Attest: DONNALD K. ANDERSON,

Clerk.

101st CONGRESS
2d Session

S. 2067

To amend the National Trails System Act to designate the route from Selma to Montgomery for study for potential addition to the national trails system.

IN THE SENATE OF THE UNITED STATES

February 5 (legislative day, January 23), 1990

Mr. Kerry introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To amend the National Trails System Act to designate the route from Selma to Montgomery for study for potential addition to the national trails system.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Selma to Montgomery National Trail Study Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that:

(1) The march from Selma to Montgomery led to the passage of the Voting Rights Act of 1965, which achieved the legal right to vote for all Americans.

(2) Events associated with the march from Selma to Montgomery and from what came to be known as "Bloody Sunday" sent shock waves around the world, raised the Nation's consciousness and convinced political leaders that the time had come for voting rights legislation.

(3) The designation of the route of the march from Selma to Montgomery as a national historic trail will serve as a reminder of the right and responsibility of all Americans to fully participate in the election processes. It will serve as a reminder that we must be ever viligent in securing our right to vote. It will also give long overdue recognition to the men and women who have sacrificed so much for, and dedicated their lives to, voting rights for all Americans.

SEC. 3. DESIGNATION OF TRAIL FOR STUDY.

Section 5(c) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1244(c)) is amended by adding the following new paragraph at the end thereof:

"(33) The route from Selma to Montgomery, Alabama traveled by people in a march dramatizing the need for voting rights legislation, in March 1965, includes Sylvan South Street, Water Avenue, the Edmund Pettus Bridge, and Highway 80. The study under this paragraph shall be prepared in accordance with subsection (b) of this section, except that it shall be completed and submitted to the Congress with recommendations as to the trail's suitability for designation not later than 1 year after the enactment of this paragraph.".

101st CONGRESS
2d Session

H. R. 3834

IN THE SENATE OF THE UNITED STATES

March 28 (legislative day, January 23), 1990

Received; read twice and referred to the Committee on Energy and Natural Resources

---

AN ACT

To amend the National Trails System Act to designate the route from Selma to Montgomery for study for potential addition to the national trails system.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Selma to Montgomery National Trail Study Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that:

(1) The march from Selma to Montgomery led to the passage of the Voting Rights Act of 1965, which achieved the legal right to vote for all Americans.

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"(33) The route from Selma to Montgomery, Alabama traveled by people in a march dramatizing the need for voting rights legislation, in March 1965, includes Sylvan South Street, Water Avenue, the Edmund Pettus Bridge, and Highway 80. The study under this paragraph shall be prepared in accordance with subsection (b) of this section, except that it shall be completed and submitted to the Congress with recommendations as to the trail's suitability for designation not later than 1 year after the enactment of this paragraph.".

Passed the House of Representatives March 20, 1990.

Attest: DONNALD K. ANDERSON,
Clerk.

101st CONGRESS
2d Session

S. 2072

To authorize a study of nationally significant places in American Labor History.

IN THE SENATE OF THE UNITED STATES

February 6 (legislative day, January 23), 1990

Mr. Moynihan introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To authorize a study of nationally significant places in American Labor History.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THEME STUDY.

Within 2 years after enactment of this Act, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall prepare and transmit to the Congress a National Historic Landmark Theme Study on American Labor History (hereafter in this Act referred to as "the Theme Study"). The Theme Study shall be prepared in consultation with the Secretary of Labor and pursuant to the guidelines established by the advisory board appointed under section 2. The purpose of the Theme Study shall be to identify the key sites in American Labor History, including the history of workers and their work, of organizing, unions and strikes, of the impacts of industrial and technological change, and of the contributions of American labor to American history. The Theme Study shall identify, evaluate, and nominate as National Historic Landmarks those districts, sites, buildings, and structures that best illustrate or commemorate American Labor History in its fullest variety. The Theme Study shall identify possible locations, components, and features of new park units appropriate to this theme.

SEC. 2. ADVISORY BOARD.

(a) APPOINTMENT.—The Secretary of the Interior shall appoint an advisory board to provide policy guidelines for conducting the Theme Study and to provide technical assistance in the preparation of the Theme Study. The Board shall be comprised of the following labor unionists and historic preservationists appointed by the Secretary from among individual nominations by major established organizations:

(1) 5 representatives from nominations from major established labor unions.

(2) 3 representatives from nominations from major historic preservation organizations.

(3) The Director of the National Park Service or his representative, ex-officio.

(4) 1 State Historic Preservation Officer, ex-officio.

(b) MEETINGS.—The Board shall meet 4 times.

(c) EXPENSES.—Members of the Advisory Board shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

(d) CHAIRPERSON.—The Chairperson of the Board shall be designated by the Secretary.

(e) CHARTER.—The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to this Advisory Board.

SEC. 3. COOPERATIVE AGREEMENTS.

The Secretary of the Interior shall enter into cooperative agreements with one or more major scholarly and public historic organizations knowledgeable of American Labor History to prepare the Theme Study and ensure that the Theme Study meets scholarly standards.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $500,000 to carry out this Act.

101st CONGRESS
2d Session

S. 2262

To designate segments of the Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the National Wild and Scenic Rivers System.

IN THE SENATE OF THE UNITED STATES

March 8 (legislative day, January 23), 1990

Mr. Kerry (for himself and Mr. Kennedy) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To designate segments of the Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the National Wild and Scenic Rivers System.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudbury, Assabet, and Concord Wild and Scenic River Study Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Sudbury, Assabet, and Concord Rivers in the Commonwealth of Massachusetts possess resource values of national significance, such as outstanding

wildlife and ecological values, historic sites, and a cultural past important to our literary heritage;

(2) portions of this study segment have been listed on the Nationwide Rivers Inventory by the National Park Service;

(3) there is strong support among State and local officials and area residents and river users for a cooperative wild and scenic river study of the area; and

(4) in view of the longstanding Federal practice of assisting States and local governments in protecting, conserving, and enhancing rivers of national significance, the United States has an interest in assisting the Commonwealth of Massachusetts and the appropriate local governments in studying and developing a resource conservation and management plan for the river, consistent with the Wild and Scenic Rivers Act.

SEC. 3. WILD AND SCENIC RIVER STUDY.

(a) LISTING FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraph at the end thereof:

"(106) SUDBURY, ASSABET, AND CONCORD, MASSACHUSETTS.—The segment of the Sudbury from the Danforth Street Bridge in the town of Framingham, to its confluence with the Assabet, the Assabet from 1,000 feet downstream of the Damon Hill Dam in Concord to its confluence with the

Sudbury, and the Concord from its confluence with the Sudbury and Assabet downstream to the Route 3 Bridge in the town of Billerica. The study of such river segments shall be completed and the report submitted thereon not later than at the end of the third fiscal year beginning after the date of enactment of this paragraph.".

SEC. 4. STUDY

(a) STUDY COMMITTEE.—As the earliest practicable date following the enactment of this Act, the Secretary of the Interior (hereinafter in this section referred to as the "Secretary") shall establish the Sudbury, Assabet, and Concord River Study Committee (hereinafter in this section referred to as the "Study Committee"). The Secretary shall cooperate with the Study Committee in the conduct of the study of the segments listed in section 3 of this Act and in the development of the natural and cultural resource and other information needed to determine the eligibility of such segments for inclusion in the national wild and scenic rivers system. The Study Committee shall terminate upon completion of the study of the segments listed in section 3 of this Act.

(b) MEMBERSHIP.—Membership of the Study Committee shall consist of 13 members appointed as follows:

(1) One member appointed by the Secretary from the United States Fish and Wildlife Service.

(2) Two members appointed by the Governor of the Commonwealth of Massachusetts, one from the Department of Fisheries, Wildlife, and Environmental Law Enforcement of that State and one from the Massachusetts Water Resources Authority.

(3) One member appointed by the Sudbury Valley Trustees.

(4) One member appointed by the Organization for the Assabet River.

(5) One member appointed by the Board of Selectmen (or comparable local governing body in the case of a town without a Board of Selectmen) of each of the 8 towns included in the study area.

(c) ADMINISTRATIVE PROVISIONS.—(1) A vacancy in the Study Committee shall be filled in the manner in which the original appointment was made. Vacancies in the membership of the Committee shall not affect its power to function if there are sufficient members to constitute a quorum under paragraph (3).

(2) The Chairman of the Study Committee shall be elected by the members of the Study Committee.

(3) Seven members of the Study Committee shall constitute a quorum.

(4) The members of the Study Committee shall serve without compensation.

(5) The Study Committee is authorized to accept services and other assistance from State and local governments.

(6) The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to this Advisory Commission.

(d) TECHNICAL ASSISTANCE FROM THE SECRETARY FOR THE STUDY OF THE RIVER.—In consulting with the Study Committee in the conduct of the study of the segments listed in section 3 of this Act the Secretary shall provide such technical and financial assistance to the Committee as the Secretary deems necessary.

(e) STUDY.—In order to provide for a wide range of land and water uses and for scenic and recreational activities in a manner compatible with designation as a wild and scenic river, the study of the river segments listed under section 3 of this Act shall include detailed management alternatives for those segments and for their adjacent lands. Each such management alternative shall include, but not be limited to, each of the following:

(1) A statement with respect to its effectiveness in protecting the outstanding natural and cultural values of the river segments and their related areas and of recreation use goals and objectives.

(2) A description of its impact on important local needs, including possible use of the rivers to bolster

drinking water supplies or receive discharges from existing sewage treatment facilities, or possible initiation of flood control and elevation control measures.

(3) A detailed natural, recreational, and cultural resource and land use inventory and assessment for the river segments and related land areas.

(4) An assessment of the attitudes of riverfront landowners, and local residents and officials toward present and future conservation management of the land and water resources of the river segments and their related land areas.

(5) Recommendations for existing and proposed land and water management to ensure conservation and preservation of the river segments.

(6) Specific guidelines for the implementation and administration of such alternatives, including a clear delineation of the responsibilities of the local, State, and Federal governments.

(7) A map showing the proposed boundaries and classification of the river and related land areas.

(8) Possible approaches to assuring that actions by any Federal, State, or local government agency are consistent with each management alternative.

(9) A financial strategy to identify public and private sources of revenue and assistance with respect to implementing a management plan.

(f) Study Not To Recommend Condemnation.—The study of the river segments listed under section 3 of this Act shall not recommend the acquisition by the United States by condemnation of any interest in lands subject to the study (including private lands and lands owned by a State or local government).

(g) Water Supply and Waste Dishcarge.—The study shall reflect the importance of the river segments subject to the study as drinking water supplies for the towns along the river and as routes for discharges from existing municipal waste treatment facilities, and nothing in the study shall recommend restricting the use of the river for the water or waste water treatment needs of such towns, consistent with sound water supply and waste water treatment planning and appropriate measures to protect the river consistent with section 7 of the Wild and Scenic Rivers Act.

(h) Submission of Study.—Upon completion of the study of the segments listed in section 3 of this Act, the Secretary shall notify each of the towns located along any of the river segments subject to the study. The notice shall contain the recommendations which the Secretary proposes to submit to the Congress regarding such segments. If the Secretary proposes to recommend the inclusion of one or more of such segments in the National Wild and Scenic Rivers System, and if one or more of the towns located along the segment concerned notifies the Secretary, within 60 days after the date on which the Secretary has notified the town of the Secretary's proposed recommendations, that the town does not concur in the recommendation to include that segment, the Secretary shall not recommend that Congress include such segment in the National Wild and Scenic Rivers System until such times as the town concurs in the Secretary's recommendation.

SEC. 6 AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

101st CONGRESS
2d Session

S. 2437

To authorize the acquisition of certain lands in the State of Louisiana for inclusion in the Vicksburg National Military Park.

IN THE SENATE OF THE UNITED STATES

April 5 (legislative day, January 23), 1990

Mr. Johnston introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To authorize the acquisition of certain lands in the State of Louisiana for inclusion in the Vicksburg National Military Park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) the Secretary of the Interior is authorized to acquire, by donation, exchange, or purchase with donated or appropriated funds, approximately 2.5 acres of land in Madison Parish, Louisiana, known generally as the Grant's Canal property;

(b) upon acquisition of the property referred to in subsection (a), the Secretary shall, after the publication of notice in the Federal Register, revise the boundary of the Vicksburg National Military Park to reflect the inclusion of these additional lands.

(c) the lands acquired pursuant to this Act shall be administered as a part of the Vicksburg National Military Park in accordance with all applicable laws and regulations.

101st CONGRESS
2d Session

S. 2566

To redesignate the Sunset Crater National Monument as the Sunset Crater Volcano National Monument.

IN THE SENATE OF THE UNITED STATES

May 2 (legislative day, April 18), 1990

Mr. McCain introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To redesignate the Sunset Crater National Monument as the Sunset Crater Volcano National Monument.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Sunset Crater National Monument, Arizona, shall, on and after the date of enactment of this Act, be known and designated as the "Sunset Crater Volcano National Monument". Any reference to the Sunset Crater National Monument in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Sunset Crater Volcano National Monument.

Malcolm Wallop

Statement by Senator Malcolm Wallop
Subcommittee on Public Lands, National Parks and Forests
Hearing on National Park Service legislation
May 17, 1990

Mr. Chairman, I want to thank you for scheduling this hearing today. Out of the eight pieces of legislation before the Subcommittee, I would like to take a moment to address two of the proposals.

How to mesh limited resources with our growing recreational and preservation needs is not a new problem, but given our present fiscal situation, it is a particularly intractable one.

With this in mind, I am very concerned with the proposal to establish Cliff Walk National Historic Site. As introduced, S. 1990 authorizes $3 million to be appropriated for the Army Corps of Engineers to make repairs and improvements to make the Walk safe. Since its inception in the mid-1800s, the structure of the cliffs underlying the Cliff Walk has steadily deteriorated through erosion. In fact, I understand that there are whole sections of the Walk missing at the present time.

As a Senator from Wyoming, I can say that the only thing my state lacks is an ocean on its borders. Barring this firsthand experience, I have enough experience in my repertoire to know that no matter how much concrete you allow the Army Corps to pour, the ocean will continue its march toward the land -- and I predict the ocean will win every time.

$3 million is only a beginning when you consider that there are 57 individual ownerships along the walk, and more than 90% of the deeds along the walk refer to the right of public access in terms which neither affirm nor deny its existence. Lacking federal ownership, the issue is further compounded by the amount of liability the federal government would be subject to for accidents, as well as continued operation and maintenance as the ocean takes more of the Walk out to the Continental Shelf.

I have one additional fundamental problem; and that has to do with the designation of the Walk as a National Historical Site. I have not been convinced to date that there is enough of the historic fabric of the trail left at the site of the Walk to qualify as a Historic Site. Hopefully, the reconnaissance study will allay my concern. It would be in our best interest to wait until the Park Service study is completed before bringing this legislation to the full Committee.

The second bill I would like to discuss is the National Historic Landmark Theme Study on American Labor History. The proposal has some merit, although I do not believe that this subject is high enough a national priority to justify federal funding at a time when far more urgent matters are not being adequately funded.

Again, the National Park Service already has authority to conduct a study of this nature. They do not need an advisory board, particularly one emphasizing and designed more toward major established labor unions that the rest of our labor force. This bill is an attempt to promote labor unions which represent 20% of our labor force. We do not provide similar recognition to the business community, particularly the entrepreneurs who provide the economic development which creates jobs. If there is an historic event or site that requires recognition, we have a process for listing historic sites. That is the appropriate method for recognizing any event of historic significant to the development of our nation. It would be irresponsible to establish authorizations for new parks and sites, as would be required by this bill because of the limited resources which could more effectively be used for maintenance of existing parks and historic sites.

There are other criteria in the legislation that the Park Service already possesses or is capable of contracting for when such need arises. Adding additional bureaucracy and additional hoops to go through just does not make good sense.

Mr. Chairman, again, I appreciate your holding the hearing today, and I look forward to hearing the testimony from the witnesses.

Senator Bumpers: Senator Moynihan, I would be taking you out of order, but you are the only Senator here, so if you would like—oh, I am sorry, Senator. Senator Chafee, such an insignificant-looking guy.

Senator Chafee?

Senator CHAFEE. Mr. Chairman, if you wish me to proceed, I am ready to start.

Senator BUMPERS. Yes, please.

STATEMENT OF HON. JOHN CHAFEE, U.S. SENATOR FROM RHODE ISLAND

Senator CHAFEE. Mr. Chairman, first, thank you very much for holding this hearing on S. 1990, a bill to establish Cliff Walk in Newport, Rhode Island, as a unit of the National Park Service. I would also like to thank my colleague, Senator Pell, for his leadership in the effort to preserve Cliff Walk as a national landmark.

Senator Pell is busy managing a bill on the floor now. I would ask that his statement be entered into the record.

Senator BUMPERS. It will be admitted.

Senator CHAFEE. Cliff Walk, Mr. Chairman, is three and a half miles long. It goes along the southern coast of Newport. It is unique in that it combines on one side a rich, historical view of the city's gilded age mansions. These are euphemistically called cottages, but they are sumptuous to the Nth degree.

Senator BUMPERS. I have seen those cottages.

Senator CHAFEE. These serve as a backdrop on the land side. On the water side, there are breathtaking views of the coastal waters of our State.

The national significance of Cliff Walk has not gone unnoticed. In fact, in 1975 it was designated as the first unit of the National Recreation Trail System east of the Mississippi. It has 150,000 annual visitors which make it a very popular tourist attraction in our State.

Our testimony today represents the continuation of our State's commitment to preserve it. Over four years ago, the Newport City Council requested assistance from the National Park Service to manage the Cliff Walk area. The Service responded, and, in 1987, conducted a profile of the Cliff Walk visitors to determine whether it was just the locals using it, or whether there were out-of-staters.

That initial study was essential in shaping the critical issues surrounding the preservation of Cliff Walk.

Last year the National Park Service issued an excellent report outlining the feasibility of including the Cliff Walk in the National Park System. That was entitled, "The Cliff Walk: A Special Resource Study."

The report is clear in its evaluation, stating that the Cliff Walk is a nationally significant resource when viewed in any but the narrowest prospective. Its management and protection must be built on recognition of the collective value of its natural, cultural, scenic and recreational resources.

That prompted the introduction of the legislation we have before us today. This bill is straightforward. It does three things. It establishes Cliff Walk as a unit of the National Park System.

Second, it authorizes the Secretary of the Army to repair and improve the walk to insure visitors' safety. The third thing it does, it directs the Secretary of the Interior, in cooperation with state and local officials, to develop a joint management agreement for the maintenance of this walk.

I cannot stress enough the urgency of the situation. Natural forces are endangering the stability of the trail. The report said the physical integrity of the Cliff Walk is severely threatened by the constant forces of coastal and soil erosion.

The preliminary stabilization cost is estimated at a little over $2.5 million—$2.6 million. Clearly, the management and maintenance requirements of the walk far exceed the resources of the small city of Newport. I might add the City and State are willing to be financial partners. Nobody is asking for a total free lunch here. They are willing to pitch in—both City and State—in the effort to save the walk.

Senator Pell has had a long interest in this. And I see he has arrived, so he will have his own comments.

In conclusion, Mr. Chairman, this walk represents a showcase of an era in American history and represents an opportunity to preserve a natural outdoor museum.

In addition, let me just quote from what the Park Service said. "There are coastal trails at Acadia National Park"—which is up in Bar Harbor, Maine—"and at most national seashores. But none can compare with the architectural backdrop provided by Newport's mansions by the sea, nor with the story of the Cliff Walk's historical development."

Mr. Chairman, I thank you very much. And I have come in well under my 5 minutes, I believe.

[The prepared statement of Senator Chafee follows:]

STATEMENT BY
SENATOR JOHN H. CHAFEE
BEFORE
THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
ON S. 1990, CLIFF WALK NATIONAL HISTORIC SITE
MAY 17, 1990

MR. CHAIRMAN, THANK YOU FOR HOLDING THIS HEARING TODAY ON S. 1990, A BILL TO ESTABLISH CLIFF WALK IN NEWPORT, RHODE ISLAND AS A UNIT OF THE NATIONAL PARK SERVICE. I WOULD ALSO LIKE TO THANK MY COLLEAGUE, SENATOR PELL, FOR HIS LEADERSHIP IN THE EFFORT TO PRESERVE CLIFF WALK AS A NATIONAL LANDMARK.

CLIFF WALK IS A SCENIC THREE AND ONE HALF MILE TRAIL AROUND THE SOUTHERN COAST OF NEWPORT. THE CLIFF WALK IS UNIQUE IN THAT IT COMBINES A RICH HISTORICAL VIEW OF THE CITY'S GILDED AGE MANSIONS WHICH SERVE AS A BACKDROP FOR THE TRAIL AND BREATHTAKING VIEWS OF COASTAL RHODE ISLAND. THE NATIONAL SIGNIFICANCE OF CLIFF WALK HAS NOT GONE UNNOTICED. IN FACT, IN 1975, CLIFF WALK WAS DESIGNATED AS THE FIRST UNIT OF THE NATIONAL RECREATION TRAIL SYSTEM EAST OF THE MISSISSIPPI. WITH AN ANNUAL VISITATION RATE OVER 150,000, CLIFF WALK IS ONE OF THE MOST POPULAR TOURIST DESTINATIONS IN RHODE ISLAND.

OUR TESTIMONY TODAY ON S. 1990 REPRESENTS THE CONTINUATION OF THE STATE OF RHODE ISLAND'S COMMITMENT TO PRESERVE CLIFF WALK. OVER FOUR YEARS AGO, THE NEWPORT CITY COUNCIL REQUESTED ASSISTANCE FROM THE NATIONAL PARK SERVICE TO MANAGE THE CLIFF WALK AREA. RECOGNIZING THE IMPORTANCE OF THE SITE, THE SERVICE RESPONDED AND IN 1987, CONDUCTED A PROFILE OF CLIFF WALK VISITORS. THAT INITIAL STUDY WAS ESSENTIAL IN SHAPING THE CRITICAL ISSUES SURROUNDING THE PRESERVATION OF CLIFF WALK. JUST LAST YEAR, THE NATIONAL PARK SERVICE ISSUED AN EXCELLENT REPORT OUTLINING THE FEASIBILITY OF INCLUDING CLIFF WALK IN THE NATIONAL PARK SYSTEM ENTITLED: THE CLIFF WALK, A SPECIAL RESOURCE STUDY. THE REPORT IS CLEAR IN ITS EVALUATION, STATING THAT "THE CLIFF WALK IS A NATIONALLY SIGNIFICANT RESOURCE WHEN VIEWED IN ANY BUT THE NARROWEST PERSPECTIVE. ITS MANAGEMENT AND PROTECTION MUST BE BUILT ON RECOGNITION OF THE COLLECTIVE VALUE OF ITS NATURAL, CULTURAL, SCENIC AND RECREATIONAL RESOURCES."

THE POSITIVE CONCLUSION OF THE RECENT PARK SERVICE REPORT PROMPTED THE INTRODUCTION OF THE LEGISLATION WE HAVE BEFORE US TODAY. S. 1990 IS STRAIGHTFORWARD. MOST IMPORTANTLY, THE BILL WOULD ESTABLISH CLIFF WALK AS A UNIT OF THE NATIONAL PARK SYSTEM. IN ADDITION, THE LEGISLATION AUTHORIZES THE SECRETARY OF THE ARMY TO REPAIR AND IMPROVE THE WALK TO ENSURE VISITOR SAFETY. FINALLY, THE BILL DIRECTS THE SECRETARY OF THE INTERIOR, IN COOPERATION WITH STATE AND LOCAL OFFICIALS TO DEVELOP A JOINT

MANAGEMENT AGREEMENT FOR THE MAINTENANCE AND OPERATION OF THE WALK.

MR. CHAIRMAN, I CANNOT STRESS ENOUGH THE URGENCY OF THE SITUATION AT CLIFF WALK. NATURAL FORCES ARE ENDANGERING THE STABILITY OF THE TRAIL. AS THE PARK SERVICE REPORT STATES, "THE PHYSICAL INTEGRITY OF THE CLIFF WALK IS SEVERELY THREATENED BY THE CONSTANT FORCES OF COASTAL AND SOIL EROSION." THE COST OF PRELIMINARY STABILIZATION IS ESTIMATED AT $2.6 MILLION. CLEARLY, THE MANAGEMENT AND MAINTENANCE REQUIREMENTS OF THE WALK FAR EXCEED THE RESOURCES AVAILABLE TO THE CITY. I MIGHT ADD, HOWEVER, THAT THE CITY AND STATE ARE WILLING FINANCIAL PARTNERS IN THE EFFORT TO THE SAVE THE WALK.

I THINK MY COLLEAGUE FROM RHODE ISLAND WILL AGREE THAT THERE IS A FEDERAL INTEREST IN PRESERVING THE WALK. CLIFF WALK SHOWCASES AN ERA IN AMERICAN HISTORY AND REPRESENTS AN OPPORTUNITY TO PRESERVE A NATURAL OUTDOOR MUSEUM. IT CERTAINLY FULFILLS THE CRITERIA FOR INCLUSION IN THE NATIONAL PARKS SYSTEM AS A NATIONALLY SIGNIFICANT RESOURCE HIGHLIGHTING A NATURAL/CULTURAL THEME NOT ALREADY REPRESENTED IN THE SYSTEM. LET ME FINISH BY QUOTING THE PARK SERVICE REPORT: "WHILE THERE ARE COASTAL TRAILS AT ACADIA NP AND AT MOST NATIONAL SEASHORES, NONE CAN COMPARE WITH THE ARCHITECTURAL BACKDROP PROVIDED BY

NEWPORT'S MANSIONS BY THE SEA NOR WITH THE STORY OF THE CLIFF WALK'S HISTORICAL DEVELOPMENT.

MR. CHAIRMAN, I THANK YOU FOR THE OPPORTUNITY TO PRESENT MY TESTIMONY BEFORE THE COMMITTEE.

Senator BUMPERS. Senator Pell.

STATEMENT OF HON. CLAIBORNE PELL, U.S. SENATOR FROM RHODE ISLAND

Senator PELL. Thank you very much. And I thank my colleague and friend for putting my statement in the record. I found that I was able to slip away and felt that it was best that I come over here as well.

I am really delighted that this is truly a bipartisan measure. It is being endorsed by the whole Rhode Island congressional delegation, both members of the House, both Senators, and we are all convinced of the national significance of Cliff Walk.

Besides establishing the Cliff Walk National Historic site, our legislation directs the Secretary of the Army to make repairs and improvements to the Cliff Walk to make the walk safe and to enhance its natural and cultural values.

As I wrote it, our legislation directs the Secretary of the Interior to develop a joint management agreement for the maintenance and interpretation of the Cliff Walk using the resources of the NPS, National Park Service, State, and local agencies and private persons and organizations. The bill also authorizes $3 million for necessary work to repair and preserve the Cliff Walk.

Those of us who live in Newport know we have a national treasure in the Cliff Walk. It is a place of unique natural and architectural beauty. An estimated 150,000 visitors from throughout our nation and other countries enjoy this unique beauty each year.

All of this and more is contained in an excellent report by the National Park Service at the direction of Congress. This report, based on a study that I requested which was initiated in April, 1988, is entitled The Cliff Walk: A Special Resource Study. If we do nothing more, I would like to emphasize the National Park Service's report on the national significance of Cliff Walk. They say: "Cliff Walk is a nationally significant resource when viewed by any but the narrowest perspective. Its management and protection must be built on recognition of the collective value of its natural, cultural, scenic and recreational resources."

The NPS report concluded: "While there are coastal trails at Acadia National Park and at most National Seashores, none can compare with the architectural backdrop provided by Newport's mansions by the sea."

As a matter of record, I would be remiss if I did not note here that I am a resident of Newport, and that my own house abuts Cliff Walk. I am enthusiastic about the walk, but I will exclude myself from any plans for the portion of Cliff Walk that runs across my property.

In closing, I would like to convey the sense of urgency often lost in formal proceedings. This means a great deal to those of us who live there. And it is also been the source of calamity.

A young man fell to his death from the trail only three years ago. Two years ago, a 12-year old girl was extremely fortunate to escape serious injury in a fall. I myself have fallen off it twice and had to go to the hospital once. So I feel quite strongly on this piece of legislation.

[The prepared statement of Senator Pell follows:]

TESTIMONY OF SENATOR CLAIBORNE PELL ON S. 1990, CLIFF WALK NATIONAL HISTORIC SITE BEFORE THE ENERGY AND NATURAL RESOURCES COMMITTEE'S SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
MAY 17, 1990

Mr. Chairman, thank you for arranging this hearing on S. 1990, legislation which I wrote to establish the Cliff Walk National Historic Site, a unit of the National Park System.

My colleague, Senator Chafee, joined me in introducing this legislation and is here today to testify. I welcome his support and, as always, enjoy working with him on projects that are important to our constituents and to the nation.

Newport Mayor Robert McKenna, who would have been an ideal witness, unfortunately will not be able to testify. He he is in Japan on City Business, but few people know more about Cliff Walk or have done more to preserve it than Mayor McKenna.

-- As a former member of the Rhode Island Senate Finance Committee, he arranged for $1.5 million to be earmarked for Newport in a recently approved statewide bond issue. Much of that money could be used as a local match for Cliff Walk.

-- As a member of the faculty of Salve Regina College, and as a spokesman for that institution, he represents one of the largest single abutters to the Cliff Walk. The College is enthusiastic about Cliff Walk Bill and would like to help the National Park Service.

-- As the Mayor of Newport, Bob McKenna also has helped coordinate efforts to protect, preserve, enhance and interpret this unique national resource. My bill, and the study that formed the foundation for it, both grew from needs expressed by the Newport City Council.

Although Mayor McKenna cannot be here, Bruce Bartlett, Director of Planning, Zoning and Development for the City of Newport, has kindly agreed to present the Mayor's testimony and to offer his own insights. I thank him for being with us today and I know you will welcome his message and his expertise.

As I already have said, our legislation is a modest measure that would establish the Cliff Walk National Historic Site, a unit of the National Park System. It also directs the Secretary of the Army to make repairs and improvements to the Cliff Walk to make the walk safe and to enhance its natural and cultural values.

The legislation directs the Secretary of the Interior to develop a joint management agreement for the maintenance and interpretation of the Cliff Walk, using the resources of the National Park Service, State and local agencies, and private persons and organizations.

Finally, this bill would authorize $3 million for the necessary work to repair and preserve the Cliff Walk.

Those of us who live in Newport know that we have a national treasure in the Cliff Walk. It is a place of unique natural and architectural beauty--a priceless part of our nation's heritage. An estimated 150,000 visitors from throughout our nation and from other countries enjoy this unique beauty each year.

Fortunately, our opinion of Cliff Walk is more than local enthusiasm. We have the facts and an extensive, modern study by the National Park Service to back us up. The visitation figures, for example, are based on scientific samples conducted for the study.

The Cliff Walk has been recognized many times in the past as a unique and important national resource. It is a National Recreational Trial, a National Historic Landmark and has been nominated as a National Natural Landmark.

All of this and more is contained in an excellent report by the National Park Service. That report, based on a study initiated in April, 1988, is entitled: The Cliff Walk, A Special Resource Study.

The federal government has repeatedly funded work on the Cliff Walk. In recent years more than $2 million has been invested by local, state and federal governments. This does not include the excellent engineering studies by the Army Corps nor the report that I just mentioned.

That report represents the combined efforts of a team of resource experts in the fields of landscape architecture, recreation planning, engineering, soil conservation, coastal geology and American History.

Cooperating agencies involved in the study included the U.S. Army Corps of Engineers, USDA Soil Conservation Service, University of Rhode Island Department of Geology, Rhode Island Resource Conservation and Development Council, Rhode Island Department of Environmental Management, and the City of Newport Cliff Walk Commission and Department of Planning and Development.

If I do nothing more, I want to emphasize the Park Service's report on the national significance of Cliff Walk:

> "The Cliff Walk is a nationally significant resource when viewed in any but the narrowest perspective. Its management and protection must be built on recognition of the collective value of its natural, cultural, scenic and recreational resources."

As you know, to be considered suitable for inclusion in the NPS system an area must not only possess national significance, but must also represent a theme or type of recreational resource not already adequately represented within the System.

The NPS report concluded:

> "While there are coastal trails at Acadia NP (National Park) and at most National Seashores, none can compare with the architectural backdrop provided by Newport's mansions by the sea nor with the story of the Cliff Walk's historical development."

In terms of feasibility, the NPS report recommends partnerships as the key to the future protection of the Cliff Walk. These partnerships already are in place and ready to support the NPS in preserving, protecting and interpreting Cliff Walk.

While the National Park Service study and our subsequent legislation has been moving along, I am pleased to report that coalitions already have been built to offer support and to form a management partnership under NPS leadership.

Let me cite, as an example, the fact that volunteers, who raised the funds to restore the Forty Steps--a landmark spot on Cliff Walk, recently formed the Cliff Walk Society to help protect and maintain the 3.5 mile pathway.

The Cliff Walk Society will welcome eventual government assistance, but they are not idly waiting but are actively working on the walk. A membership drive is underway and they already have begin regular trash pick-up excursions.

That is exactly the type of volunteerism that is needed and we all hope their efforts will prove successful. But, beyond that, we hope their work will combine with efforts on the federal, state and local government levels to, once again, restore Cliff Walk's beauty and safety.

What we have now is an idling engine, ready to run but awaiting the additional fuel of federal funds and NPS leadership. We have done the preliminary work; we have earmarked potential state matching funds; and everything is ready for us to create the Cliff Walk National Historic Site.

Cliff Walk's history forms the meat of the NPS study, which notes that reference to Cliff Walk can be found as early as 1852: "When the colonists took land from the Indians, a right of way along the sea was secured to them forever for fishing and the gathering of seaweed."

This reference apparently is to the colonial charter, which was incorporated into the Rhode Island Constitution in 1843 and has served as the legal basis for the Cliff Walk's existence ever since.

According to the NPS report, Newporters began to recognize as early as 1867 that "they possessed an invaluable asset in the path along the cliffs." The report adds: "As the fashionable image of Newport continued to evolve in the 1870's and eighties, so did the prominence of Cliff Walk."

"Moving on into the 1890's," the report states, "the trends already visible in Newport's development were accentuated. If possible, the resort became even more opulent. If the term 'Gilded Age' has any meaning, it must be defined at least partly in terms of Newport."

The report summarizes:

> "The chapters which form the Cliff Walk story exemplify many of the larger social trends in the evolution of American Leisure. From an architectural standpoint the Cliff Walk retains remnants of an astonishing assortment of styles, materials, and treatments, both on the walk itself and on the underlying cliffs."

I do not want to belabor the point, but it is clear to those of us who are proposing the Cliff Walk National Historic Site that we are only asking for appropriate recognition and protection of an important part of our national heritage.

As a matter of record, I would be remiss if I did not note here that I am a resident of Newport and that my home abuts Cliff Walk. I am enthusiastic about preserving the walk, but I will exclude myself from any plans for the portion of Cliff Walk that runs across my property.

I am sure that Cliff Walk would be an excellent addition to the national Park System--another jewel in the diadem of priceless natural and cultural treasures that the Park Service helps to preserve and conserve for all our citizens.

Just as Senator Chafee joined me in introducing this measure in the Senate, I am pleased to report that Representative Ronald K. Machtley is sponsoring a companion bill in the House, with Representative Claudine Schneider as a cosponsor.

This is truly a bipartisan measure, and I am gratified that the entire Rhode Island Congressional Delegation is joining in this effort. We all are convinced of the national significance of Cliff Walk.

We also are sure it would be in national interest if the Cliff Walk were to become a unit of the NPS system.

In closing, I would like to convey the sense of urgency that often is lost in formal proceedings. Cliff Walk truly is falling into the sea and we are in danger of losing much of the substantial resources that the federal government already invested in Cliff Walk.

As I have said before, this magnificent 3.5-mile walk, with the ocean's rugged coastline on one side and some of Newport's most elegant and historic mansions on the other, is gradually loosing a continuing battle with the elements.

Sections of Cliff Walk are crumbling into the ocean and other sections have eroded away until visitors are forced to leap from rock to rock along the coast.

I regret to say that falls from Cliff Walk have claimed lives, including the life of a student at Salve Regina College in 1987. Only a year later, a 12-year-old girl survived a 40-foot fall from Cliff Walk because of her brother's quick thinking and the rescue work of the Newport Fire Department.

The encouraging part of the story is that when Maura McLean fell from the walk, her 15-year-old bother, Michael McLean, responded rapidly.

In the emergency, with only split seconds to make decisions, Michael made all the right ones. His family, our community and all of Rhode Island were proud of his response.

The troubling part of the story is that Cliff Walk, which has been designated as a National Recreational Trial, is becoming increasingly dangerous.

A young man fell to his death from the trail only three years ago and Maura McLean apparently was extremely fortunate to escape serious injury in her fall.

Her accident, however, should remind all of us that the longer we take to determine the fate of Cliff Walk, the greater the risk becomes that another child may fall from the trail.

That troubles me and that is one of the reasons that I hope we will expedite our efforts to protect both Cliff Walk and those who walk the trail.

Thank you for your consideration and thank you for arranging this hearing.

Senator Bumpers: Thank you, Senator Pell.

Senator Pell, the report that has been done by the Park Service I think is a regional report. I do not think the National Park Service has commented on this yet.

Senator PELL. That is correct. But—correct me if I am wrong—my understanding is this is the first time that the National Park Service has not accepted a regional report. I may be wrong, but that is my understanding.

Senator BUMPERS. I think we are anticipating that the Park Service will oppose this bill, incidently.

We have some annual operating cost figures that indicate that the annual operating costs can vary greatly—can go as high as $680,000 a year. Is that your understanding?

Senator PELL. There are three gradations, three levels. I think the least expensive is the $680,000. I do not have my figures right here. The next goes up about a million and a half and the next to about three. Something of that sort.

Senator BUMPERS. Senator Chafee, you had said you wanted this to be a partnership—that the city and the State were willing to be partners in this whole undertaking, and the cost has been estimated, I guess by the Corps, to be close to $3 million. I think you said $2.7 million?

Senator CHAFEE. $2.6 million.

Senator BUMPERS. Is the share that you would anticipate the city and State contributing a part of that, or is that in addition to the $2.6 million or $2.7 million?

Senator CHAFEE. Well, I just think whatever——

Senator BUMPERS. Did the Corps say it would cost $2.7 million to fix it?

Senator CHAFEE. No. What they said was it costs $2.6 million, I think they said, to do the preliminary improvements—preliminary stabilization. I believe in any cost, in any amount, there should be costsharing. In other words, if the preliminary stabilization is $2.6 million, then there ought to be some costsharing. And I am reluctant to volunteer some large percentage when traditionally other areas get away with a lot less percentage.

For instance, you may have a better memory than I do, I can remember when Senator Cover was here and he was pressing for a Mississippi trail. Does that sound right? Along the Mississippi?

Senator BUMPERS. Could it have been the Natchez Trace Trail?

Senator CHAFEE. Might have been. And I do not know what matching percentages there were there, but I am always for matching percentages of some type. By matching, I do not necessarily mean 50 percent, but whatever you folks deem—has been deemed proper from the experiences you have had.

Senator BUMPERS. We do not have any guidelines here, no precedents in particular. We just do it on an ad hoc basis. When was this walk built?

Senator CHAFEE. Senator Pell is—well, before the turn of the century.

Senator BUMPERS. As old as you are?

Senator CHAFEE. It is a lot older than I am.

Senator **Pell**. It started out in the 17th century, people going along it for retrieving seaweed and things of that sort, ever since the place was discovered.

Senator **Chafee**. I will say this, Mr. Chairman. It is a lovely walk, and on any Sunday afternoon or weekend you just see scores and scores of people out there enjoying it. Now there are some sections, as Senator Pell mentioned, that are quite dangerous. But where the Corps of Engineers have worked, and there has been considerable work done on it, it really is in great shape. The trouble is, it takes a beating. It is right on a shore, up from the surface of the water maybe twenty feet or so, but the big waves get it.

Senator **Pell**. I would add here that from the viewpoint of the cost that the voters in Rhode Island already improved bond issue which earmarks $1.5 million for recreational use in Newport. And those funds, some of them, may be used to match Federal aid on the Cliff Walk.

Senator **Bumpers**. Can this be done without acquiring any additional land?

Senator **Pell**. Absolutely. The walk is there. And there is an ideal building midway along it which could be used for the Rangers' station, what they call the interpretation area.

Senator **Bumpers**. Who is maintaining it now, Senator Pell?

Senator **Pell**. Nobody. It is volunteer groups. Last weekend, in fact, or two weekends ago, the people from the neighborhood went along with sacks—garbage bags, whatever they are—filling it with refuse. And it is kept up reasonably well, but it could do a lot better.

Senator **Bumpers**. Gentlemen, thank you both very much for being with us.

Senator Moynihan, would you like to present your testimony on S. 2072?

STATEMENT OF HON. DANIEL P. MOYNIHAN, U.S. SENATOR FROM NEW YORK

Senator **Moynihan**. Mr. Chairman, I am here to support a bill to study the possibility of the Park Service including in its repertoire, if you like, places that have been significant in American labor history.

This is simply to begin a study of that. But can I tell you, if I may, of the first effort of this kind which is now very much under way and really quite remarkable. And that is the Women's Rights National Historical Park at Seneca Falls. And we have here the founding director, Judith Hart.

As you know, sir, in 1848, in Seneca Falls, New York, on the Erie Canal system, there were textile mills and so forth, the Women's Rights Conference met, the first such meeting in the history. And they drew up a declaration of sentiments which begins the women's rights movement in the United States and in the world. It is not something we brought in. We sent this out.

What do you do to memorialize an idea, an event in history? This small town is still very little changed. The Wesleyan Chapel in which the convention had met had become a laundromat, if you like. But still, it was there looking right down at the canal. And we got hold of that. We got hold of the principal residences of the women involved: Elizabeth Katie Stanton, is the one, I guess, we know best; there was the house of Mary Ann McClintock, which is over in Waterloo, a little way off, where the Declaration was drafted, and things like that.

And it is going wonderfully. We have a design for a conference center, a brilliant piece of work. Money has been coming along. This is something that works, and the number of visitors is rising and as a study program, people are going to end up coming from around the world to see this place. And we got it just in time.

The proposal here is not to do something, I am suggesting, but rather to think of doing something not dissimilar with respect to American labor history. All over this country, and there is a coal mine in Arkansas where a strike lead to the first Supreme Court ruling that strikes where violations of the Sherman Antitrust Act, for example.

I think in my city of New York of the Triangle building where the Triangle shirt-waist fire in 1911 began social occupational health social legislation in this country. All over the country, and most obviously in the east, but in the west as well, there are buildings, there are places that ought to be recorded, some which ought to be preserved.

We think this is an appropriate effort, or we certainly think this is a subject that ought to be inquired into. And this would establish, in effect, a committee, a commission, to study the subject under the Secretary of the Interior with the Director of the National Park Service.

I think that the case makes itself, if it makes itself at all with what I suggested. But I do think with our experience at Seneca Falls we are beginning to learn how to do this and we will find a very interesting effort, as is the whole movement into what is called industrial archeology, where we are beginning to know that those early mills or early plants are very interesting places and are very much a part of our history, and we need to preserve some of them.

Senator BUMPERS. Senator Moynihan, I'm sympathetic to the bill and I think the members of the committee will be. Happily, I do not think the Administration will oppose it either.

Senator MOYNIHAN. What have we done wrong?

Senator BUMPERS. Well, you could not be more shocked than I am, and that is only a guess at this point. So, we will wait until we get a report from them to see what their position is. We are always reluctant to take something up here until we get their opinion. And so perhaps we will know shortly what their position on it will be, but I think it is a worthy undertaking. And I thank you very much for introducing the bill and coming to be with us this afternoon.

Senator MOYNIHAN. Thank you, sir. If I may say, I think there would be some slight changes in the language of the bill which seem to me would be helpful, and I will submit them for your consideration.

Senator BUMPERS. Please do that.

Senator MOYNIHAN. Thank you, Mr. Chairman.

Senator **Bumpers**. Thank you, again. Senator Kerry, would and Congressman Lewis both come up? Senator Kerry, are you here to testify on two bills?

Senator **Kerry**. Yes, I am, Mr. Chairman.

Senator **Bumpers**. Since Mr. Lewis has been waiting, let me suggest we allow him to go forward on the Selma to Birmingham Trails bill, and let you testify on that also, and then we will take up the River bill.

Senator **Kerry**. Absolutely, Mr. Chairman. That is what I understood. I appreciate it very much. Thank you.

Senator **Bumpers**. Congressman Lewis, welcome. We are

STATEMENT OF HON. JOHN LEWIS, U.S. REPRESENTATIVE FROM GEORGIA

Mr. **Lewis**. Thank you very much, Senator Bumpers.

Senator **Bumpers**. I meant Selma to Montgomery, not Selma to Birmingham.

Mr. **Lewis**. Thank you very much, Mr. Chairman. I would like to thank Senator John Kerry for joining me in the introduction of the Selma to Montgomery National Trail System Act for 1989. Mr. Chairman, I appreciate the deliberate and speedy manner in which this piece of legislation has been brought before this committee.

Senator, in 1965, 25 years ago, there was political subdivision in the south, where 50 percent to 80 percent of the population was black, but where there was not a single registered black voter. The tactics used to keep blacks out of the political process ranged from economic retaliation to outright violence.

Black voting applicants had to pass the so-called literacy test, which was so complicated that college graduates could pass them. There were black doctors, lawyers, ministers and teachers who were graduates of some of the leading colleges and universities that were told they could not read and write well enough to pass the literacy test.

The literacy test required blacks to do such things as recite the entire United States Constitution, interpret certain sections of the State Constitution, or to name all of the Presidents of the United States.

In many instances, brutal acts of violence were directed against those who tried to register to vote. Many people were harassed, intimidated, beaten, arrested and jailed. Some were killed for encouraging American citizens to become participants in the democratic process.

The years of anguish and struggle for the right to vote came to a head on Sunday, March 7, 1965, when a small but courageous band of unarmed men, women and children attempted to march from Selma, Alabama, to Montgomery, Alabama, to dramatize to the nation that they wanted to participate in the political process. It was an orderly, peaceful, silent march.

We started our journey at the Brown Chapel A.M.E. Church in Selma, and our destination was the State capital in Montgomery, Alabama. When we reached the apex of the Edmond Pettus Bridge leading out of Selma, we saw a sea of blue. We stopped about 25 feet from the police line. A voice said, I am Major John Cloud. This is an illegal march, and it will not be allowed to continue. You have three minutes to disperse and return to your church.

After a minute and a half, he said, "Troopers, advance." We were confronted by billy clubs, bull whips, and tear gas. Women and children were trampled by deputies on horseback. This day, which became known as "Bloody Sunday," sent shock waves around the world, raising the nation's consciousness and convincing political leaders that the time had come for voting rights legislation.

It was not until the National Guard, 1,900 men of the Alabama Guards' Dixie Division, 2,000 more regular Army troops, and hundreds of FBI agents and U.S. Marshals came to our defense that we were able to complete the 3-day journey from Brown Chapel Church in Selma to the State Capitol in Montgomery, Alabama.

One week after Bloody Sunday, on March 15, 1965, President Lyndon Johnson spoke before a joint session of the Congress. He said, in that speech, "I speak tonight for the dignity of man and the destiny of democracy. At times, history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama."

Senator, the Voting Rights Act was passed by the Congress in July of 1965, but the law was written by the marching feet on the road from Selma to Montgomery.

As we observe the 25th anniversary of the Selma to Montgomery march, we can take great pride in the fruits of the nonviolent democratic revolution in our own country. The nonviolent revolution we have witnessed in this country has served as an example around the world. We have heard "We shall overcome" on the streets of Johannesburg, on the streets of Prague and at the Berlin Wall.

The designation of the road from Selma to Montgomery as a national historic trail will serve as a reminder of the brave Americans who struggled and died for the right to vote. It will also demonstrate our commitment to voting rights and to dramatize the importance of going to the polls on election day.

I urge the members of the Committee to join with me in supporting the legislation to study the road from Selma to Montgomery for inclusion in the national historic trail system.

Thank you, very much, Senator.

Senator Bumpers. Thank you very much, Congressman. Senator Kerry?

STATEMENT OF HON. JOHN F. KERRY, U.S. SENATOR FROM MASSACHUSETTS

Senator Kerry. Thank you very much, Mr. Chairman. I would ask unanimous consent that my full text be placed in the record.

Mr. Chairman, I am here to urge your support of S. 2067, which is, as the Congressman has said, a bill to direct the National Park Service to conduct a one-year study in order to determine whether or not to establish the Selma to Montgomery National Historic Trail.

The Congressman has far more articulately and capably described what happened there. I was going to quote Lyndon Johnson, and he has done that and I will not repeat it. What he neglected to tell you, Mr. Chairman, is that he was then the leader of the Student Nonviolent Coordinating Committee, and he was at the head of that march.

John Lewis himself suffered a fractured skull in the brutal confrontation that followed. There were two subsequent confrontations, one two days later, when Martin Luther King arrived and led a march which was turned away without incident. And then, about a week after that, or so, armed with restraining orders, with FBI agents, National Guard troops, that march was able to proceed those historic miles to the capitol.

The legislation that Lyndon Johnson came and asked for subsequently was passed in about five months, which the Chairman remembers well; it was about as fast as anything of that consequence could ever get through this place.

In a very real way the footsteps that were taken by those courageous original 525 people, and by subsequent thousands, belong on an historic national trail register because they are historic footsteps. As a resident of Massachusetts, we are particularly sensitive to the concept of, as I think all Americans are, to the concept of representation and taxation without it. And the Boston Tea Party was one of those kinds of efforts.

I think the march in Selma stands out in a similar fashion. I remember I was a student, an undergraduate at the time, and I had first become involved in supporting the Mississippi voter registration drive back in 1963 and 1964 with Alan Lowenstein. And so when the Selma march took place we were all riveted by this confrontation. And I will personally never ever forget the courage and the statement that was being made at that time.

I also think, Mr. Chairman, that there is a real importance today, when only 50.15 percent of the American people decide to go to vote. There truly is an importance in underscoring what that voting right means. And I think creating this national trail is one way of underscoring the risks that people have taken here in our own country to win that right, and the importance of Americans remembering precisely what it does mean in the context of equal opportunity and freedom and all the other values of this nation.

So I would commend to this committee. This bill passed unanimously in the House. It is my hope that we could move it rapidly in the United States Senate and afford the appropriate dignity to that moment in history that I think it deserves. And I am delighted to be here in support of it.

[The prepared statement of Senator Kerry on S. 2067 follows:]

STATEMENT OF SENATOR JOHN KERRY
SENATE SUBCOMMITEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
S. 2067
THURSDAY MAY 17, 1990

MR. CHAIRMAN, I AM HERE THIS AFTERNOON TO URGE YOUR SUPPORT OF S. 2067, A BILL I HAVE INTRODUCED TO DIRECT THE NATIONAL PARK SERVICE TO CONDUCT A ONE-YEAR STUDY ON THE ESTABLISHMENT OF A SELMA-TO-MONTGOMERY NATIONAL HISTORIC TRAIL. IT IS THE COMPANION TO H.R. 3834, WHICH PASSED THE HOUSE UNANIMOUSLY ON MARCH 20.

THIS BILL WOULD RECOGNIZE A TRULY HISTORIC EVENT. IN MARCH, 1965, AS THIS NATION PREPARED TO MARK THE 100TH ANNIVERSARY OF THE END OF THE CIVIL WAR, MANY BLACK AMERICANS CONTINUED TO FACE DAUNTING OBSTACLES AT THEIR POLLING PLACES. THEIR LEADERS SOUGHT CREATIVE WAYS TO DEMONSTRATE THIS INJUSTICE AND ORGANIZED A SERIES OF VOTER-REGISTRATION ACTIVITIES IN SELMA, ALABAMA.

TO CLIMAX THEIR EFFORTS, THESE ORGANIZERS PLANNED A 54 MILE MARCH EAST TO MONTGOMERY, THE STATE CAPITAL, ON SUNDAY MARCH 7. THAT DAY, 525 COURAGEOUS AND DETERMINED AMERICANS SET OUT ON HIGHWAY 80. AT THE HEAD WAS JOHN LEWIS, THE CHAIRMAN OF THE STUDENT NONVIOLENT COORDINATING COMMITTEE. TODAY HE IS THE CONGRESSMAN FROM GEORGIA'S FIFTH DISTRICT AND THE CHIEF SPONSOR OF H.R.3834.

THE MARCHERS DIDN'T GET VERY FAR. AS THEY CROSSED THE ALABAMA RIVER ON THEIR WAY OUT OF SELMA, THE MARCHERS WERE CONFRONTED BY A WALL OF STATE TROOPERS AND SHERIFFS' POSSEMEN. THEY WERE TOLD TO TURN AROUND. WHEN THE MARCHERS FAILED TO DO SO QUICKLY ENOUGH, THE POLICE CHARGED. USING BILLY CLUBS AND TEAR GAS, THEY INJURED 17 MARCHERS SERIOUSLY ENOUGH TO PUT THEM IN THE HOSPITAL. MORE THAN 70 OTHERS REQUIRED TREATMENT FOR THEIR INJURIES. JOHN LEWIS SUFFERED A FRACTURED SKULL.

MARCH 7 BECAME KNOWN AS "BLOODY SUNDAY." AMERICANS WERE STUNNED BY WHAT THEY SAW ON THEIR TELEVISION SCREENS. ABC-TV INTERRUPTED ITS SUNDAY NIGHT MOVIE, "JUDGEMENT AT NUREMBERG," TO SHOW VIVID TAPE OF THE EVENTS IN SELMA.

TWO DAYS LATER, A SECOND MARCH, WITH MARTIN LUTHER KING, JR. JOINING OTHER LEADERS AT THE FRONT, WAS TURNED BACK WITHOUT INCIDENT. FINALLY, ON MARCH 21, A THIRD EFFORT WAS MADE. THE LEADERS HAD A FEDERAL COURT ORDER IN THEIR HANDS, AND TO PROTECT THE MARCHERS, PRESIDENT JOHNSON HAD FEDERALIZED THE ALABAMA NATIONAL GUARD. OTHER PROTECTION CAME FROM U.S. ARMY TROOPS, FBI AGENTS, AND U.S. MARSHALLS. THREE DAYS LATER, THE MARCHERS ARRIVED IN MONTGOMERY.

THOSE FOOTSTEPS ALONG HIGHWAY 80 CHANGED THE POLITICAL CURRENTS IN WASHINGTON. PRESIDENT JOHNSON CAME BEFORE A JOINT SESSION OF CONGRESS TO INTRODUCE THE VOTING RIGHTS ACT, SAYING THAT "AT TIMES HISTORY AND FATE MEET AT A SINGLE TIME IN A SINGLE PLACE TO SHAPE A TURNING POINT IN MAN'S UNENDING SEARCH FOR FREEDOM. SO IT WAS AT LEXINGTON AND CONCORD. SO IT WAS A CENTURY AGO AT APPOMATTOX. SO IT WAS LAST WEEK IN SELMA, ALABAMA."

THE ACT PASSED IN FEWER THAN FIVE MONTHS, WHICH, AS YOU KNOW, MR. CHAIRMAN, IS ABOUT AS FAST AS THINGS CAN HAPPEN AROUND HERE. THAT LEGISLATION DID NOT SOLVE ALL THE PROBLEMS FACING BLACK VOTERS, BUT IT MADE A TREMENDOUS

DIFFERENCE, AND IT IS APPROPRIATE THAT THE 54-MILE ROUTE BECOME PART OF THE HISTORIC TRAIL SYSTEM.

I HOPE, TOO, THAT TAKING THIS STEP WILL REMIND ALL AMERICANS HOW PRECIOUS THE RIGHT TO VOTE IS. UNFORTUNATELY, NOW THAT THE DOORS TO POLLING PLACES ARE AS OPEN AS THEY HAVE EVER BEEN IN THIS COUNTRY, FEWER AND FEWER CITIZENS SEEM INTERESTED IN WALKING THROUGH THEM. IN 1988, ONLY 50.15% PERCENT OF ELIGIBLE VOTERS BOTHERED TO EXERCISE THIS RIGHT. THIS FALL, IN THE CONGRESSIONAL ELECTIONS, THE PERCENTAGE IS CERTAIN TO BE EVEN LOWER.

MR. CHAIRMAN, THOSE OF US FROM MASSACHUSETTS HAVE ALWAYS TAKEN SERIOUSLY THE CONCERN ABOUT TAXATION WITHOUT REPRESENTATION. JUST AS THE BOSTON TEA PARTY INSPIRED AMERICANS TO FIGHT FOR THE MOST BASIC OF LIBERTIES, THE SELMA-TO-MONTGOMERY MARCH HAS INSPIRED MANY OF OUR FELLOW CITIZENS TO EXERCISE THOSE RIGHTS THAT OTHERS HAVE FOUGHT TO SECURE. THIS BILL IS ONE WAY TO HELP KEEP THAT MESSAGE ALIVE.

Senator BUMPERS. Thank you very much, Senator Kerry. There is not any point in belaboring this. As far as I know, this bill will get unanimous approval of this Committee and be on the floor very shortly. And we owe both of you a debt of gratitude for bringing it to the Senate and the House, as it is an extremely important piece of legislation for all of us, blacks and whites both.

So, Congressman Lewis, I will let you go at this time. And I thank you very much for being with us.

Mr. LEWIS. Thank you very much, Mr. Chairman.

Senator BUMPERS. Congressman Atkins has joined us, and since he and Senator Kerry both want to testify on the wild and scenic rivers in Massachusetts, we will now proceed with that. Senator Kerry, are you prepared to proceed with that?

Senator KERRY. Thank you very much. Mr. Chairman, again, I would ask unanimous consent that the full text of my statement be placed in the record.

Mr. Chairman, I would like to thank you for holding a hearing on S. 2262, the Sudbury, Assabet and Concord Wild and Scenic River Study Act. And I want to thank Congressman Atkins for his leadership and effort on this. He has done diligent work and has introduced the companion legislation in the House and, frankly, has provided significant leadership in the ability to be able to introduce this.

This would designate portions of three rivers in Massachusetts as named in the bill as a study area for inclusion in the National Wild and Scenic River System. It would set in motion, as the Chairman knows, a 3-year study by the Department of the Interior and the Commonwealth of Massachusetts and 8 towns that border the river in order to explore a way of managing this rivers system.

Just very quickly, Mr. Chairman, to share with you the outline of why this is important, these rivers have really shaped the lives of the citizens of Massachusetts who have lived by them through all of our history and I think that those people have in turn been very vital to the formation of the history of this country.

If you look closely at the history of these rivers, there is a microcosm of not only the early history of the nation, but also much of the interaction as defined by Thoreau and others of our relationship to nature. There is archeological evidence that shows that before the arrival of Europeans on this continent these rivers supported native American settlements, and they were a major trading route along the Northeastern seaboard.

In addition, America's early industrial development was bolstered by the construction of an ironworks and cotton mill on the Assabet River, and the flood plains of the Sudbury River provided very valuable grazing land for the town of Sudbury when it was settled in 1636. The Revolutionary War began within earshot of the Concord River. And in the nineteenth century, both Nathaniel Hawthorne and Henry David Thoreau spent time on and around these rivers, and they have enriched our literature and our philosophy with the inspiration that they gained from their experiences there.

So clearly the historical legacy of these rivers is well worth preserving. But we also believe that it does not just recall the past; it recognizes and moves towards preserving the present day value and the future value. Thousands of our citizens spend valuable time canoeing, walking along these waterways. They enjoy one of the nation's most unspoiled natural landscapes.

And as residential areas expand and the pressure to develop on that land increases, particularly in a State like Massachusetts and in this particular region, these rivers and the land around them provide one of our best hopes of maintaining what we would call truly natural public land.

The uniqueness is really not limited just to that interaction. There is a very, very vital biological ecosystem in this area, significant species, not all of which I will list now, in the area. And it is our belief that the prospects for the long term preservation for these rivers is, in fact, uncertain. Federal dams, water diversion, hydro-electric plants, Army Corps of Engineers projects and other things all stand with the potential to pose a very serious threat.

Congressman Atkins' and my staffs have worked closely with the communities involved. They have expressed certain concerns. We have tried to incorporate those concerns into the legislation.

And it is our hope, Mr. Chairman, that with the recognition that nothing happens if this study does not come back favorably, and that this is nothing more than a study, that given the value historically and the importance to the region of these particular rivers, we ought to make this study in order to determine whether or not they deserve the introduction of the secondary piece of legislation that would, in fact, provide the protection. And so I would urge the Committee to grant us the opportunity to have that study conducted.

[The prepared statement of Senator Kerry on S. 2262 follows:]

STATEMENT BY SENATOR JOHN F. KERRY
SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS ON S. 2262. MAY 17, 1990

Mr. Chairman, I want to thank you for holding this hearing on S. 2262, the Sudbury, Assabet, and Concord Wild and Scenic River Study Act. I would also like to thank Congressman Atkins who has sponsored companion legislation in the House, and who has provided considerable leadership for this bill.

S.2262 will designate parts of Massachusett's Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the National Wild and Scenic Rivers System. It will set in motion a three year study by the U.S Department of Interior, the Commonwealth of Massachusetts, and the eight towns that boarder these rivers, to explore various methods of managing the rivers system.

Mr. Chairman, throughout the history of this country, the Sudbury, Assabet, and Concord rivers have shaped the lives of those who lived around them. Those people have, in turn, been vital to the formation of this nation. Indeed, when one looks closely at the history of these rivers, one sees a microcosm of all that is positive in man's interaction with the American outdoors:

--There is archeological evidence that shows that before the arrival of Europeans on this continent these rivers supported Native American settlements and were a major trading route along the northeastern seaboard.

--America's early industrial development was bolstered by the construction an Iron works and a Cotton mill on the Assabet river, while the flood planes of the Sudbury River provided valuable grazing lands for the town of Sudbury when it was settled in 1636.

--The Revolutionary War, from which this nation was born, began within ear-shot of the Concord River.

--In the 19th Century both Nathaniel Hawthorne and Henry David Thoureau spent time on and around these rivers, and enriched our literature and philosophy with the inspiration they gained from their experiences there.

Clearly, the historical legacy of these rivers is worth preserving.

Yet this bill does not merely recall what has occurred in the past, but also recognizes, and moves towards preserving, the rivers' immense present value. Today, thousands spend valuable time canoeing and walking along these waterways, enjoying one of our nation's most unspoiled natural landscapes. As residential areas expand and the pressure to develop open lands increases, these rivers and the land around them provide our best hope at maintaining a truly natural public land.

The uniqueness of these rivers is not limited to man's interaction with them. Close examination reveals that the rivers are teeming with a diverse biological ecosystem. Hundreds of acres of marshland exist around the rivers creating an important environmental buffer and habitat for fish, water fowl and other wildlife. This river system provides one of the few homes for the Blandings turtle, the breeding place for the blue heron, and it gives sanctuary and shelter to countless other birds and animals. With our nations wetlands already under siege, we simply cannot afford to lose areas like this.

Unfortunately, the prospects for the long-term preservation of the rivers is uncertain. Federal dams, water diversions, hydroelectric plants, and Army Corp of Engineer projects could pose a serious threat to their delicate environmental structure. Inclusion under the Scenic Rivers Act would protect the rivers, and the people who live near them, from such destructive incursions by the Federal Government.

It should be emphasized, however, that this legislation only provides for a study. It does not set any limits, nor do anything to hinder future activities on the river. The further step of having the river included under the Scenic Rivers Act of 1968 necessitates a separate designation bill. Such a bill will only be introduced if it is conclusively determined by all parties involved that designation is in the best long-term interest of the region.

Since 1968 there have been 25 similar studies, six of which have led to rivers being designated wild and scenic. In all instances, however, a study has provided an opportunity for local, state and federal officials to gain a better understanding of the situation and to develop an informed plan for the preservation and use of valuable natural resources. This collection of information and coordination of effort is the bill's chief purpose.

I understand some citizen's concerns that inclusion in the Scenic River System could prevent local communities from using the rivers to meet their water supply and waste treatment needs. Those fears should be allayed by the fact that, there are specific provisions in the bill that require the study to examine the water needs of all the local communities and to do nothing to restrict those needs. In addition, there are provisions in the act that prohibit the federal government from seizing private lands. Moreover, although this is a bill that creates action at the Federal level, it does so only after tailoring those action to the needs of the localities. In fact rather than taking power away from local towns, this bill enhances local control relative to the federal government.

Mr. Chairman and members of the Committee, this is a well constructed bill that balances immediate needs with environmental concern, and provides federal resources without jeopardizing local jurisdiction. I ask for its expedited consideration and thank the committee for holding today's hearing.

Senator BUMPERS. Thank you.
Congressman Atkins?

STATEMENT OF HON. CHET ATKINS, U.S. REPRESENTATIVE FROM MASSACHUSETTS

Mr. ATKINS. Thank you, Mr. Chairman. And thank you for giving us this opportunity to discuss this important legislation. And let me give a special word of appreciation for Senator Kerry for his leadership on this issue.

Mr. Chairman, I would ask unanimous consent that my full written remarks be entered into the record, and let me just touch on a few features of the legislation.

This legislation derives out of two and a half years of work of my office, Senator Kerry's office, and concerned citizens in 8 Massachusetts towns to identify the best means of protecting and preserving the Sudbury, Assabet and Concord Rivers in Massachusetts.

We started the process by asking the National Park Service to see which segments of the so-called SuAsCo basin might be eligible for inclusion in the nationwide rivers inventory. And they came back with 6 segments. After much consultation, 3 of those 6 segments, which form a 29-mile Y-shaped portion of the river basin were identified.

As Senator Kerry has indicated, this river really is the Tigris and the Euphrates for American intellectual development, whether from the Revolution, the transcendental movement, the Industrial Revolution. All occurred on the banks of these rivers. Today the rivers provide an important means of recreational escape for the millions of people who live in the greater Boston area.

Unfortunately, some of the rivers which make this area such a superb resource are not going to be around much longer unless we move to protect them, as serious water shortages are forecast for the greater Boston area in the next decade and State planners have already listed diversion of the Sudbury River as a possible option for meeting the region's water needs. If that were to happen, the lowered flow in the Sudbury River would affect the wells and destroy the marsh ecology along a 10-mile segment of the rivers.

Encroaching development poses another threat to the watershed's ecological health, another thing that we are particularly concerned about.

We would hope that this Committee would see fit to adopt this legislation. There are several features of it that are somewhat unusual in the normal wild and scenic rivers legislation that you act on, one of which is a 13-member study committee. We feel, and while I know the Park Service would like that to be done informally, the communities, because of bad experiences they have had with Federal landtakings, really insist on that 13-member committee being a formal body for them to enter into the process.

They are also looking for some language in this which would reflect the importance of the local water supply coming out of these rivers, and also language which would assure that there would not be any eminent domain proceedings on any of the land purchases that were done. They would all be done in a willing-buyer/willing-seller basis with no condemnations.

I know those are things that this Committee likes to avoid adding into this legislation. I think, unfortunately, in this situation, if we are not able to include those, we will lose the support of the local communities that are affected.

Thank you.

[The prepared statement of Mr. Atkins follows:]

TESTIMONY BY REP. CHET ATKINS

BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

MAY 17, 1990

Thank you, Mr. Chairman, for giving me this opportunity to testify before the Subcommittee on Public Lands, National Parks and Forests on S. 2262, the Sudbury, Assabet and Concord Wild and Scenic River Study Act. I'd also like to take this opportunity to thank Senators Kerry and Kennedy and Representative Ed Markey for their leadership on behalf of this legislation.

For the past two-and-a-half years, I have been working with concerned citizens in eight Massachusetts towns to identify the best means for protecting and preserving the Sudbury, Assabet and Concord Rivers. We started by asking the National Park Service to see which segments of the SuAsCo basin might be eligible for inclusion on the Nationwide Rivers Inventory, and we were pleased to find that six segments were identified. After months of careful planning and deliberation, a citizens study group, in conjunction with the Park Service and my office, decided to focus its efforts on three of those segments, which form a 29-mile Y-Shaped portion of the river basin.

These river segments possess unique natural, recreational and historical values that must be preserved at all costs. For example, in 1775, "the shot heard 'round the world" was fired in the Concord River basin to launch the American Revolution. In addition, some of our greatest literary heroes, such as Henry David Thoreau and Nathaniel Hawthorne, rowed on these rivers and lent their pens to the effort to describe their beauty.

Today, the Sudbury, Assabet and Concord Rivers provide an excellent means of recreational escape for the people who live in the Greater Boston area. Furthermore, over 10 miles of the Concord and Sudbury Rivers flow through the Great Meadows National Wildlife Refuge, where a totally undeveloped wetland area provides exceptional waterfowl habitat. On a sunny spring day, one can find canoeists enjoying the serenity of the Sudbury, tourists inspecting the historic Colonel James Barrett Farm on the Assabet, and schoolchildren learning about wildlife while hiking along the Concord in the Great Meadows Refuge.

Unfortunately, the features that make the SuAsCo watershed such a superb source of learning and enjoyment may not be around much longer. Serious water shortages are forecast for the Greater Boston area in the next decade, and state planners have listed diversion of the Sudbury as a possible option for meeting the region's water needs. I believe that option makes absolutely no sense, as lowered flow on the Sudbury would affect wells along the river and destroy the marshes that are crucial to the wildlife that inhabits the Great Meadows Refuge. Perhaps even worse, diversion would destroy the floodplain vegetation where cattle first grazed in the 1630's.

Encroaching development poses another threat to the watershed's ecological health. Construction along the banks would ravage the rivers' historical and scenic values and harm the rivers' ecosystem if the banks are altered or pollutants enter the water. Whether by wild and scenic river designation or some other means of conservation planning, such development must be kept in check.

Because of the unique location of these rivers in a developed suburban setting, however, it is also essential for local residents to be involved in the study process and given the opportunity to have their views and concerns heard. As a result, S. 2262 would set up a 13-member study committee that would include a representative from each of the affected towns to work with the Park Service during the course of the study.

In addition, in keeping with local concerns, S. 2262 would direct the study to reflect the importance of local water supply and waste discharge needs, and it would expressly prohibit any recommendation for land acquisition by the Federal government. Given the land ownership pattern and the needs of the local community, and based on discussions with local Park Service staff, I am certain that Federal land acquisition would not be necessary to protect the rivers should they be designated as components of the Wild and Scenic Rivers System. We have included the prohibition in the bill language to reassure local residents, who have had some unfortunate experiences with Federal land acquisition in the past, that such will be the case. Furthermore, as an extra assurance, the bill would allow each of the towns to review the study recommendation and to block a recommendation for designation if the town does not concur in the recommendation.

I believe that the Wild and Scenic Rivers study process will generate the type of careful planning that is crucial to the protection and preservation of this special river basin. I hope that upon examining the historical, scenic and ecological attributes of the Sudbury, Assabet and Concord Rivers, the members of this Subcommittee will feel likewise. I request your support for this legislation so that the effort to preserve these national treasures can begin in earnest.

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Senator **Bumpers**. Gentlemen, thank you both for your testimony. I might just issue a that caveat which you just pointed out, Congressman Atkins, and that is there are two things about this legislation that are generally opposed not just by this Committee, but by the Park Service.

I would like very much to see this legislation become law. I would like to save those rivers. I am not familiar with all of them. I am familiar with the Concord. But I am not quite sure and I am not sure we have ever had a provision before this Committee before that gave individual communities veto power over a particular segment of the river.

Because if a community has veto power over a segment of the river, they might also have some use of the river in mind that would destroy the effectiveness, really the whole purpose of a wild and scenic rivers bill, and of its being designated being a wild and scenic river.

Now, as Senator Kerry has appropriately pointed out, this is a study. And I know there is some controversy up there over the Minuteman condemnations, and people are gun shy, and I understand that. We have the same thing all over the country. And quite often in this Committee, in order to get something done, we do indeed have to put an anti-condemnation provision in and say that this land or any lands required are necessary for the carrying out the purposes of this bill, may not be done except at arm's length transactions between the government and the land owners, no condemnation.

But when you say that the study may not recommend any segment of the river that any community along the river objects to, how do you justify that provision in keeping with making this a wild and scenic river and knowing that a community might very well destroy the whole purpose of the bill?

Mr. **Atkins**. Well, let us start by saying it is hard to justify it. And I was not happy with the provision. I think the provision arises out a very unfortunate circumstance which you mentioned with Minuteman National Park, where the Park Service came in with a totally inappropriate plan that involved massive condemnations of residences that really had no purpose for the park. And frankly, if the condemnations were taken out, would have gone far, far beyond millions and millions and tens of millions of dollars beyond the ability of the Park Service to finance that.

And because of the way the Park Service handled it, there was an extreme reaction in the communities.

Senator **Bumpers**. Yea. Sometimes you would think the Park Service personnel who deal with that went to the Lyle Alzedo charm school.

Mr. **Atkins**. Well, fortunately the Park Service, now under new leadership, has repaired substantially the damage. And I think as people have worked with the Park Service they have developed significant trust.

I would hope that we could work with your staff on this Committee and try to give the local communities the assurances that they seek and preserve the integrity of the process for the Park Service, and certainly you have my commitment that I will do my best to assure that.

But I am sure you appreciate the local sensitivities.

Senator **Bumpers**. Oh, I do indeed. I understand precisely what you are up against, but I think it would have been an incomplete record if we had not pointed out that this is a real problem.

Mr. **Atkins**. I appreciate that and I look forward to working with you and Senator Kerry.

Senator **Bumpers**. The Subcommittee staff will be very happy to work with your staffs in trying to resolve this. I am certainly favorably disposed toward the Bill and I would like to see it taken up here. But as it is presently worded, I can tell you that it is probably—that we need to do some work on it before we present it for markup here.

Mr. **Atkins**. I appreciate that and we will work with you.

Senator **Bumpers**. Thank you very much. Senator Kerry, did you have anything else that you wanted to say?

Senator **Kerry**. No, sir.

Senator **Bumpers**. Thank you both for being here. Our next witness is Mr. James Stewart, Assistant Director of Planning of the National Park Service. Mr. Stewart?

STATEMENT OF JAMES W. STEWART, ASSISTANT DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY ED BEARRS, CHIEF HISTORIAN, NATIONAL PARK SERVICE, J.D. YOUNG, ASSISTANT SUPERINTENDENT, C&O CANAL AND WILLIAM NICHOLS, SUPERINTENDENT OF VICKSBURG

Mr. **Stewart**. I have several people joining me this afternoon, if you would indulge us: Ed Bearrs, who is our Chief Historian, J.D. Young who is the Assistant Superintendent of C&O Canal and William Nichols who is Superintendent of Vicksburg.

Senator **Bumpers**. If you could discuss these on a rather informal basis and put your prepared remarks in the record that would be helpful to us.

Mr. **Stewart**. I thought if you agree that I would go down in the same order that the bills were discussed here this afternoon and then pick up the rest of the bills that were not discussed.

Senator **Bumpers**. We can do that.

Mr. **Stewart**. S. 1990 would establish the Cliff Walk National Historic Site. The site proposed would include a walkway of varying widths and approximately 3.5 miles in length. The Secretary of the Army is authorized to make repairs and improvements to make the walk safe and enhance its value. The Secretary of the Interior is authorized in cooperation with the State and local officials, and other interested persons, to develop a joint management agreement for maintenance and interpretation. The bill authorizes $3 million for repair and improvements. No funds are authorized for planning or operation of the site.

Mr. Chairman, we oppose enactment of S. 1990. The proposed Cliff Walk National Historic Site in S. 1990 would not be feasible for the National Park Service to administer.

Now, S. 2072 would direct the Secretary of Interior——

Senator **Bumpers**. Incidentally, before we leave, as you complete each one, if I have a question, let me ask you the question. That would be the most expeditious way. I was rather shocked to find that there are 57 individual ownerships along the walk.

Mr. **Stewart**. That is correct.

Senator **Bumpers**. Under the bill as it is presently drafted, does that mean we would be putting $3 million into somebody else's property?

Mr. **Stewart**. That is my understanding.

Senator **Bumpers**. Does the bill provide for any eminent domain or condemnation of any of the lands?

Mr. **Stewart**. No, sir.

Senator **Bumpers**. Could that be resolved by a perpetual easement of some kind?

Mr. **Stewart**. There are other problems in feasibility besides the ownership issue. There has to be a base of operation for the National Park Service to be able to maintain and administer the trail, if it were authorized. There are questions on the main purpose of the trail; is it to view the historic mansions and so on. A lot of the properties have walls and vegetation that would prevent that. There are questions of liability and so on. So, there are a lot of things.

Senator **Bumpers**. This bill does have a lot of problems with it. I recognized that the minute I looked at it and read the summary. I would like very much to preserve this walk but it is not quite as simple as it looks on the face of it. Would the Park Service's attitude be any different about it if you had condemnation rights?

Mr. **Stewart**. We would have to look into the whole feasibility question. Certainly, condemnation rights and ability to have an administrable trail is very key to it. But, it would be more than that, I believe.

Senator **Bumpers**. Please proceed, Mr. Stewart.

Mr. **Stewart**. S. 2072 would direct the Secretary of Interior within two years after enactment, in consultation with the Secretary of Labor, to prepare and transmit to Congress a National Historic Landmark Theme Study on American Labor History. While we believe there is adequate authority under existing law to accomplish the study proposed in S. 2072 and some properties associated with labor have already been studied, we would not object to the enactment of the bill if it is amended. We would need three years to conduct the study rather than two years. We do not believe the theme study should identify potential new park units. Such recommendations would be subject to suitability, and feasibility studies and are beyond the scope of a theme study. We believe that a ten-member advisory board would duplicate the functions of the existing National Park System advisory board. We do not agree with the requirement that the Secretary enter into an agreement with an organization to prepare the theme study to assure that it meets scholarly standards. The National Park Service has highly qualified historians who can prepare the study and who would seek the benefit of qualified historians outside the service. Finally, we believe that the estimate should be about $200,000 rather than $500,000.

Senator **Bumpers**. I am going to suggest that we have my staff, your staff, and Senator Moynihan's staff get together and see if we can resolve these differences.

Mr. STEWART. All right.

Senator BUMPERS. Please proceed.

Mr. STEWART. S. 2067 and H.R. 3834 would amend the National Trail System Act to authorize a 54 mile route from Selma to Montgomery for study as a potential component of the National Trail System. We believe a study of the route followed by those marchers would be the best way to determine how the Nation should honor and remember those who participated and what they stood for. We strongly recommend enactment of either S. 2067 or H.R. 3834.

S. 2262 would designate segments totalling 29 miles of the Sudbury, Assabet, and Concord Rivers for study as potential components of the National Wild and Scenic Rivers System. We do not support S. 2262 in its present form. Since the Wild and Scenic Rivers Act itself provides for analysis of alternative land uses, and for input from the States concerned, we believe Section 4 of the bill is not needed. Further, the provision of that section, giving State and local officials the power to appoint members to a study commission and veto authority over secretarial recommendations, is not acceptable. Unless Section 4 is deleted, we would oppose the bill.

Senator BUMPERS. Would you support it if it were deleted?

Mr. STEWART. Yes. Much of the sections are in the national inventory and, as I understand it——

Senator BUMPERS. Section 4? I have forgotten, that is a pretty comprehensive part of that bill. Well, you say delete Section 4. Let me say, Mr. Stewart, you were here when I discussed this with Congressman Atkins and Senator Kerry and my concerns, I think, are probably the same as your concerns. I would like to see this bill become law and I would like to see those three rivers added to our National Wild and Scenic River System. I just do not see how we can do much of anything the way the bill is presently drafted. I recognize that those two gentlemen are in a little bit of a box because of the local hostility about eminent domain and so on and the community wanting a veto power. There might be some way to take out the eminent domain provision. I do not see how we could possibly approve it out of this Committee by giving communities veto power. That would mean one community along the entire system could destroy the whole system.

Mr. STEWART. Correct.

Senator BUMPERS. When it comes to eminent domain, it might be that we could pass the bill and reserve that until after the study is completed to determine how vital eminent domain might be to the implementation of the purposes of the bill. Again, I am going to suggest that your staff and the staffs of the Subcommittee, Senators Kerry and Kennedy and Congressman Atkins see if we can resolve this thing in any way to get the bill passed.

Mr. STEWART. I note that for the Federal lands or river bank frontage, there are 24.5 miles. In Concord there are 20 miles of non-Federal frontages and in the other seven towns, 14.5 miles of river bank frontage, out of 58 miles. So, how they feel is how they feel. But, a lot of the land is already Federal land.

Senator BUMPERS. As I understand it, maybe I misunderstood you, but the entire bill on all three rivers only encompasses 29 miles.

Mr. **Stewart**. Yes, I am sorry, 29 miles.

Senator **Bumpers**. Okay. Let us see. What else do we have here. What do you have next on your list?

Mr. **Stewart**. I have the C&O Canal development, S. 1852.

Senator **Bumpers**. Let me say first of all, there is a statement by Senator Sarbanes which will be submitted for the record also.

[The prepared statement of Senator Sarbanes follows:]

STATEMENT OF SENATOR PAUL S. SARBANES
BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

MAY 17, 1990

S. 1852, TO AMEND THE CHESAPEAKE AND OHIO CANAL DEVELOPMENT ACT TO EXTEND THE AUTHORITY OF THE CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

Mr. Chairman, I want to thank you for responding so quickly to my request to hold hearings on S. 1852, the bill I introduced in the Senate last year to extend the authority and life of the Chesapeake and Ohio Canal National Historical Park Commission for ten additional years.

The current authority for the Commission expires in January of 1991; and this bill, identical to the one introduced in the House by Representative Beverly Byron of Maryland's Sixth District, would extend that authority for ten years. Senator Barbara Mikulski, my colleague from Maryland, has joined me in introducing this bill and strongly supports its passage.

The C&O Canal National Historical Park is one of the most unique in this Nation and one of the most heavily visited and used. It begins in this great city, the Nation's capital, and extends for 184 miles to its original terminus at Cumberland, Maryland. As you can imagine, the development of plans for the preservation and use of this park is a major undertaking. It is no easy task to protect and preserve a park which averages 100 yards in width but is 184 miles long.

The work of the Commission is not finished. The Commission is composed of representatives of the State of Maryland, the Commonwealth of Virginia, the District of Columbia, and the counties through which the park runs, as well as members at large. Passage of this bill will permit the Commission to complete the rational process begun so many years ago to ensure that this unique part of America's natural and historical heritage is properly preserved.

I appreciate your deep interest in this Nation's parks and thank you again for moving this legislation to the floor of the Senate and toward final passage.

Mr. Stewart. S. 1852 and H.R. 3545 would amend the C&O Canal Development Act to change the termination date of the Advisory Commission from 20 years to 30 years. We believe that the Advisory Commission should be extended because of the multiple jurisdictions involved and the 180 miles of park to administer. We recommend enactment.

Senator Bumpers. We all agree on that one.

Mr. Stewart. Next is S. 2011 and H.R. 2843 which would authorize expansion of Tumacacori National Monument and change its name to Tumacacori National Historic Park. There are two ruins of missions established by Father Kino. One is Los Santos Angeles De Guevavi and the Calabazas ruins which would be authorized for acquisition. We recommend that action on this bill be deferred pending final National Park Service advisory board action on the proposed addition of the ruins of Calabazas. The next meeting of the board is in October; the board has already acted on the Guevavi site.

Senator Bumpers. Is it anticipated that they will also act on the other site in October?

Mr. Stewart. They have already done that.

Mr. Bearrs. A study has been prepared for presentation to the board in October on Calabazas and having read the nomination, having read the Guevavi, seeing their action on the Guevavi, I would say the odds against them recommending Guevavi for designation as a National Historic Landmark are slim to none. I think it is practically foregone. They can also fool you occasionally.

Senator Bumpers. I am totally unfamiliar with it. I have never seen it; I do not know anything about it. I do not even have a picture of it.

Mr. Bearrs. Do you want me to explain what it is?

Senator Bumpers. Yes.

Mr. Bearrs. Guevavi was a visita, an early one, the only one of the two that is intimately associated with Father Kino. Father Kino's base of operation was down below the international border and moving up into what is now lower Arizona he established a visita at Guevavi in 1604, so this would be for the Jesuits who were—Kino was a Jesuit and they were working on the Pima Indians, establishing missions to bring them to support of the Spanish crown.

In the 1760s King Carlos III exiled the Jesuits from the new world and the Franciscans moved in. By that time, Guevavi which consists of both below ground remains and some surface remains—the walls of the mission, of the convento—Calabazas was established as a visita by the Franciscans who replaced the Jesuits as a primary missionary in Arizona. It has considerably more of the remains remaining. It has considerable integrity. It has a long history, first with the Franciscans, and after the church was secularized by Mexico, it was used as a rancho. It was then used, when the Americans moved into the Gadsden Purchase area following 1853 as an American military base and finished up with Calabazas as a center for gold mining activities. It has a long history of association with the Southwest. There is considerably more of Calabazas remaining above ground than Guevavi. Between the two of them, plus the wonderfully extant mission, which has been a national historic monument since 1923 at Tumacacori, it makes an ideal composite to tell the missionary's story and the story of the colonization settlement in relation with the native Americans in what was originally brought to the United States as part of the Heiler purchase.

Senator Bumpers. Thanks, Ed. Mr. Stewart, is it anticipated that if we adopted the bill—is there anticipated to be any annual operating cost to this?

Mr. Stewart. As I understand it, the conditions of the sites are rather poor. They have not been maintained.

Senator Bumpers. They are just ruins, are they not? There is nothing standing there; there is no mission church standing, is there?

Mr. Bearrs. There are walls standing. Particularly at Guevavi most of the remains are archaeological. But there is probably a total of 10 to 15 yards of the walls at Guevavi standing. At Calabazas probably 50 yards of walls are standing. Calabazas and the Arizona Historical Society have put a shed-like roof over Calabazas and have fenced it; nothing has been done to protect or partially stabilize Guevavi.

Mr. Stewart. What we will need to do is amend our general management plan for Tumacacori and take into account the other two units and also the other provision of the bill, which is to expand the interpretation of Father Kino. That is something we will need to do.

Senator Bumpers. Okay, fine. Go ahead. What is next?

Mr. Stewart. What is next is S. 2437 which would authorize the Secretary to acquire 2.5 acres of land in Madison Parish, Louisiana, to revise the boundary of Vicksburg National Military Park to include this parcel.

We recommend enactment of S. 2437. We are suggesting the possibility of two amendments for consideration. The first amendment would authorize the acceptance of a donation of 2.28 acres in Vicksburg from Warren County.

Senator Bumpers. What was that again?

Mr. Stewart. The first amendment would authorize acceptance of the donation of 2.82 acres in Vicksburg from Warren County. We propose to accept the donation and then assist the county in relocating its maintenance facility through a grant. This amendment would authorize such a grant. The second amendment would exclude a narrow strip of land about 1,000 feet long from the boundary of the park and give adjacent landowners a right to purchase the excluded land at fair market value. The land is not needed for park purposes and the proceeds would go to the Land and Water Conservation Fund.

Senator Bumpers. Are you talking about lands that are now in the park that would be excluded under this?

Mr. Stewart. In that last amendment, that is right. It is a remnant piece.

Senator Bumpers. That is unrelated to the purposes of this bill, is it not?

Mr. Stewart. Yes, sir. It is.

Senator Bumpers. Now we are going to redraw the boundaries to take this canal into the park. That's the purpose of the bill.

Mr. **Stewart**. Yes, that is correct.

Senator **Bumpers**. Where is this 2.8 acres?

Mr. **Stewart**. The 2.82 acres.

Senator **Bumpers**. That was the donation. There was some other land you want to exclude. How much was that?

Mr. **Stewart**. The 2.5 acres is the donated land which is in Louisiana. The 2.82 acres is in the Vicksburg National Military Park.

Senator **Bumpers**. Why are you saying that you now think we ought to sell that?

Mr. **Stewart**. In this case, Warren County would like to dispose of that land and relocate their maintenance facility to another location. As you know, we cannot purchase land from another governmental body; that is a longstanding rule. However, they need the funds in order to relocate. This piece of land is surrounded on three sides by the park and this is a suggested way in which we could preserve the site, prevent inappropriate development and see to the purposes of the community also.

Senator **Bumpers**. Okay. We are all agreed on that one.

Mr. **Stewart**. The final one, S. 2566, which would change the name of Sunset Crater National Monument to Sunset Crater Volcano National Monument. We recommend enactment.

Visitors confuse this volcanic crater with a privately owned and well advertised feature of the region, which was created by a meteor—there is another Sunset Crater which is a meteor-created crater. The name change is intended to clarify for visitors what they are to visit so they are not disappointed when they arrive there.

Senator **Bumpers**. Fine.

Mr. **Stewart**. That completes my testimony

Senator **Bumpers**. I do not have any additional questions. We appreciate you and your staff coming over here and giving us the benefit of your thoughts.

Mr. **Stewart**. Thank you.

[The prepared statements of Mr. Stewart follow:]

STATEMENT OF JAMES W. STEWART, ASSISTANT DIRECTOR FOR PLANNING, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 1990, A BILL TO ESTABLISH CLIFF WALK NATIONAL HISTORIC SITE.

May 17, 1990

Mr. Chairman, I am pleased to appear before you today to testify on S. 1990, a bill to establish Cliff Walk National Historical Site.

Mr. Chairman, we oppose enactment of S. 1990. The Cliff Walk National Historic Site proposed in S. 1990 would not be a feasible unit of the national park system.

S. 1990 proposes that the Cliff Walk be established as a national historic site within the national park system. The site proposed would include a walkway of varying widths, and approximately 3 1\2 miles in length. The Secretary of the Army is authorized by the bill to make repairs and improvements as necessary to make the walk safe and to enhance its natural and cultural values. The Secretary of the Interior is authorized, in cooperation with State and local officials and other interested persons, to develop a joint management agreement for maintenance and interpretation of the Cliff Walk using the resources of the National Park Service, State and local agencies, and private persons and organizations. The bill further authorizes $3,000,000 for repair and improvement of the Cliff Walk. No funds are authorized for planning or operation of the proposed site.

The North Atlantic Regional Office of the National Park Service has completed a Reconnaissance Study of the site, which is now under review. This study illuminates several issues which make this proposal infeasible.

1. There is no clear legal existence, or ownership, of the Cliff Walk. The study concludes that there are 57 individual ownerships along the walk, and more than 90% of the deeds along the walk refer to the right of public access in terms which neither affirm nor deny its existence. To clearly establish the Cliff Walk as a public way, easement or fee acquisition would be necessary. To fully implement the proposal in this bill, eminent domain would probably be required, as one unwilling seller could block the entire proposal. S. 1990 provides no acquisition authority.

2. Liability is a major issue, with a death and a near death in the last three years. Formal legal establishment of the Cliff Walk, and its ownership, would clarify liability. This liability issue should be resolved prior to public encouragement of use of the Walk. However, it is not feasible for the National Park Service to assume this liability for accident and death unless the Park Service legally owned the property, and had the authority to make and keep the 3.5 mile Cliff Walk safe for visitors, which is not feasible under this proposal.

3. The reconnaissance study makes clear that much of the appeal of the Cliff Walk to the visitor is the ability to observe the architecture of the Gilded Age of Newport. However, more than 50% of the adjacent property owners on the Cliff Walk have built walls, or allowed vegetation growth, to block the view of their properties. A proposal to invest public funds in the repair of the walk, and encourage public use, would not be justified unless it included provisions for easements to protect the visitor's ability to see the historic mansions along the Cliff Walk.

4. Maintaining order, and collecting litter, are described in the study as problems beyond the ability of local efforts. However, the National Park Service or some other organization is no better able than State or local government to patrol, or collect litter,

on this 3.5 - mile trail. This problem is especially difficult because the walk would not accommodate full-size motorized equipment. The Newport Historical Society estimates it collects 15 cubic yards per week of litter in front of their three properties. Clearly, litter collection done from the 3.5 - mile trail itself, rather than from individual yards, is substantially more difficult and expensive. Patrolling and policing are equally more difficult when access is only from the 3.5 - mile trail.

5. Areas of the Cliff Walk are in serious disrepair. The exposure of the Cliff Walk to the effects of storms may prevent its preservation. The objectives of preservation of the walk's historic fabric, or even preservation of what remains today, may conflict with the objectives of returning the walk to safe pedestrian use.

The National Park Service would be willing to provide technical assistance, and participation in cooperative planning, to determine how best to preserve and maintain and interpret the walk, working in partnership with the state and local government. We oppose the establishment of Cliff Walk as a national historical site however. for the reasons stated above.

This completes my prepared comments. I will be pleased to answer any questions you may have.

STATEMENT OF JAMES W. STEWART, ASSISTANT DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON S. 2072, A BILL TO AUTHORIZE A STUDY OF NATIONALLY SIGNIFICANT PLACES IN AMERICAN LABOR HISTORY.

May 17, 1990

Mr. Chairman, I appreciate the opportunity to provide your Subcommittee with the views of the Department of the Interior on this legislation.

While we believe there is adequate authority under existing law to accomplish the study proposed in S. 2072, and some properties associated with labor have already been studied, we would not object to the enactment of the bill if it is amended as suggested in this statement.

S. 2072 would direct the Secretary of the Interior within 2 years after enactment, in consultation with the Secretary of Labor and pursuant to guidelines established by a separate advisory board, to prepare and transmit to Congress a National Historic Landmark Theme Study on American Labor History. The bill directs the Secretary of the Interior to establish a 10-member advisory board to provide policy guidelines and technical assistance; and it directs the Secretary to enter into cooperative agreements with organizations to prepare the theme study and ensure that it meets scholarly standards. The bill authorizes the appropriation of $500,000 to carry out its provisions.

Section 2(b) of the Historic Sites Act of 1935 authorizes the Secretary of the Interior to make a survey of historic and archaeologic sites, buildings, and objects for the purpose of determinig which possess exceptional value in commemorating or illustrating the history of the United States. Section 4 of that Act also authorizes the Secretary to seek and accept the assistance of any Federal, State, or municipal agency or any educational, scientific or patriotic association or any individual.

Under the authority of the 1935 Act, the National Park Service has conducted studies of many of the broad themes in American history. These studies identify which sites are of national significance, and thereby eligible for designation as National Historic Landmarks. Some 12 properties importantly related to American labor history have already been designated.

We have for some years believed, however, that a full-fledged theme study of American Labor History would be appropriate. No such study has been done, and none has been programmed in the next few years.

We recommend the following amendments to S. 2072:

1. On page 1, line 4, strike out "Within 2 years after enactment of, "and insert "Within 3 years after funds are made available therefor pursuant to."

   This amendment makes the deadline effective from the date that funds are made available for the study, rather than from the date of enactment of this authorization. Without the necessary funds to complete this study, we would have to use funds identified for other studies in order to meet the 2 year deadline, and other earlier commitments could not be met. In addition, funding for this study would be subject to the budgetary priority setting process. We recommend 3 years for completion of the study rather than 2, based on our experience with the conduct of theme studies and the need for full consultation with interested parties and owners.

2. On page 2, strike out the sentence beginning in line 9 through the period in line 11.

   This amendment strikes the requirement that the theme study identify possible locations, components, and features of new park units. Studies of new park units require considerations of suitability and feasibility, which are not required in the usual history theme study. The theme study identifies sites that are potentially nationally significant. We believe a determination of national significance, through the medium of the theme study, should precede any formal suitability and feasibility study of possible new park units.

3. Beginning in line 12 on page 2, through line 14 on page 3, strike out section 2 in its entirety.

   This amendment strikes the requirement that the Secretary appoint a 10-member advisory board to provide policy, guidelines and technical assistance in the conduct and preparation of the study. Such a board would duplicate the function of the existing National Park System Advisory Board, which is required by National Historic Landmark Program regulations to review and make recommendations on potential historic landmarks. Such a new advisory board would unnecessarily delay the study while members were appointed and the new board developed guidelines for the study. As noted earlier, the Secretary is already authorized to seek and accept assistance from educational, scientific, or patriotic associations in carrying out the functions of the Historic Sites Act of 1935. Under that authority we would welcome input and review from labor organizations and historians of labor in the conduct of the theme study.

4. On page 3, beginning in line 15, strike out all of section 3 through the period in line 20.

   This amendment strikes the requirement that the Secretary enter into cooperative agreements with organizations to prepare the theme study and ensure it meets scholarly standards. National Park Service historians are qualified to prepare the study, and if we need to contract for portions of it the Service already has the option of concluding such a cooperative agreement. We cannot be sure, at this stage, that an external group or organization would be willing and capable of conducting the study. I can assure the Subcommittee, however, that we will, in any case, seek review of the study by qualified historians outside the Service.

5. On page 3, line 22, strike out "$500,000" and insert "$200,000" in lieu thereof.

This amendment reflects our estimate of the cost of the theme study -- $200,000 -- if our amendments are accepted.

This concludes my prepared remarks, Mr. Chairman. I would be pleased to respond to your questions.

STATEMENT OF JAMES W. STEWART, ASSISTANT DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 2067 AND H.R. 3834, A BILL TO DESIGNATE THE ROUTE FROM SELMA TO MONTGOMERY FOR STUDY FOR POTENTIAL ADDITION TO THE NATIONAL TRAILS SYSTEM.

May 17, 1990

Mr. Chairman, I appreciate this opportunity to provide your Subcommittee with the views of the Department of the Interior on this legislation.

We strongly recommend the enactment of either S. 2067 or H.R. 3834.

The bills would amend section 5(c) of the National Trails System Act by adding a new paragraph designating the 54-mile route from Selma to Montgomery, Alabama, for study as a potential component of the National Trails System. The study report would be required to be submitted to the Congress within 1 year.

The proposed Voting Rights Act of 1965, intended to assure the legal right to vote for all Americans, was pending in Congress in March of 1965, when a group of citizens in support of the legislation attempted to walk the 54-miles from Selma to Montgomery, Alabama. On Saturday, March 7, the group of approximately 525 were met in Selma by police dogs and billy clubs. Scenes of bloodshed in the media shocked the Nation. After a second attempt, the 3-day journey was completed when National Guards, Regular Army, FBI agents and U.S. Marshalls were sent to protect the demonstrators. The Voting Rights Act was signed into law on August 6, 1965.

Mr. Chairman, the events of March 1965 in Selma clearly marked a turning point in the social history of this Nation. The fact that citizens shed their blood to demonstrate their support for the right to vote should never be forgotten. We believe a study of the route followed by those marchers would be the best way to determine how the Nation should honor and remember those who participated and what they stood for.

We estimate the cost of the study to be $150,000. Existing funds would be reprogrammed as necessary to complete the study within the 1-year period specified in the legislation. We would attempt during the study to determine which sites along the route hold special potential for interpreting the story.

A draft study report would be developed and issued for public review. Public comments would be evaluated and then the final report would be submitted for review and transmittal to the Congress.

This concludes my prepared remarks. I would be pleased to respond to any questions you may have.

STATEMENT OF JAMES W. STEWART, ASSISTANT DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 2262, A BILL TO DESIGNATE SEGMENTS OF THE SUDBURY, ASSABET, AND CONCORD RIVERS FOR STUDY AS POTENTIAL COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM.

May 17, 1990

Mr. Chairman, while we support the concept of a Wild and Scenic River study for the Sudbury, Assabet, and Concord Rivers, we do not support S. 2262 in its present form.

S. 2262 would amend the Wild and Scenic Rivers Act to designate segments totalling 29 miles of the Sudbury, Assabet, and Concord Rivers in Massachusetts for study as potential components of the National Wild and Scenic Rivers System. The study report would be due in 3 fiscal years.

Section 4 of the bill would direct the Secretary of the Interior to establish a special 13-member study committee. The Secretary must cooperate with the study committee in the conduct of the study and in the development of information needed to determine eligibility of the river segments for inclusion in the National System. Unlike the usual advisory committees, members of this study committee would be appointed directly by State and local officials.

Subsections (e) through (g) of section 4 set forth requirements of the study. Subsection (h) gives each of the 8 towns located along the study segments a veto over the Secretary's recommendation that the segment be designated as a component of the National System.

The Nationwide Rivers Inventory published in 1982 included 8 miles of the Sudbury, indicating that it is an historic Atlantic Salmon fishery, and 6 miles of the Concord, indicating its recreational value due to its proximity to the Boston area. The Assabet River was not identified on the Inventory.

We believe, therefore, that the 6 miles of the Concord and the 8 miles of the Sudbury identified earlier merit a formal study under the Wild and Scenic Rivers Act. We have no objection to the longer segments of the Concord and Sudbury Rivers being added to the study, or the Assabet, since it joins directly with the other river segments.

Mr. Chairman, if a river segment is designated for study under the Wild and Scenic Rivers Act, section 4(a) of the Act requires that the study shall indicate the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the segment is included in the National System. Section 4(b) of the Act requires the Secretary to submit the study report to the Governor or his designee, and to include the Governor's comments in any report to the Congress. Section 5(c) of the Act requires that studies be pursued in close cooperation with agencies of the State and its political subdivisions, and that studies shall be carried on jointly with such agencies if a request is made by the State. As a matter of course, the National Park Service also includes the views of all affected jurisdictions in our study reports.

Since the Wild and Scenic Rivers Act itself provides for analysis of alternative land uses and for input from the State concerned, we believe section 4 of S. 2262 is not needed. Further, the provisions in that section giving State and local officials the power to appoint members to a study commission and veto authority over Secretarial recommendations are not acceptable. Unless section 4 of the bill is deleted, we would oppose it.

If the bill is intended as a vehicle for planning assistance to local governments, a Wild and Scenic study bill is not necessary.

Planning assistance is available under the National Park Service Rivers and Trails Technical Assistance Program. If S. 2262 reflects local desires and concerns, it would seem that the local people want technical and financial assistance in developing a conservation plan which will be based on local management. This is exactly what our technical assistance program is designed to offer. A formal Wild and Scenic River study to determine the suitability or nonsuitability of a river segment for addition to the National System, as provided in S. 2262, is not necessary if local planning and management assistance is the goal of the bill. We would be pleased to work with the sponsors of S. 2262, local town representatives, landowners, and conservation organizations to develop a technical assistance program for these river segments.

This concludes my prepared remarks, Mr. Chairman.

STATEMENT OF JAMES W. STEWART, ASSISTANT DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 1852 AND H.R. 3545, A BILL TO EXTEND THE C & O CANAL NATIONAL HISTORICAL PARK COMMISSION.

May 17, 1990

Mr. Chairman, I am pleased to appear before you today to testify on behalf of S. 1852 and H.R. 3545, which would amend the Chesapeake and Ohio Canal Development Act to change the termination date of the Chesapeake and Ohio Canal National Historical Park Commission from the date 20 years after the effective date to the date 30 years after such effective date.

Mr. Chairman, we recommend enactment of S. 1852.

The establishment of the Advisory Commission on January 8, 1971, stemmed in part from the unique nature of the Canal. It is unlike most areas administered by the National Park Service as it runs along a 185 mile stretch of river shoreline and is flanked by the Nation's Capital, suburban communities and numerous small towns.

The C & O Canal National Historical Park Commission has performed valuable service during the past 19 years in advising and assisting the National Park Service in the administration and development of the C & O Canal Park. In the early years, the Commission served as the vehicle for public meetings in the development of the general management plan for the park, and subsequently for several development concept plans for specific park sites. In the years since, the Commission has served as the public forum for discussing implementation of plans along the 185 miles of the park.

The C & O Canal National Historical Park Commission represents not only the local park neighbors but the national constituency as well. Many commission members have a life-long interest in the C & O Canal and the National Park Service. Commission members are eligible for reimbursement of actual expenses for meetings. The average annual cost is $9,000.

Because the work of managing the canal park will not end on January 8, 1991, the public involvement should not end either.

This completes my prepared comments concerning S. 1852. I will be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF JAMES W. STEWART, ASSISTANT DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON S. 2011 AND H.R. 2843, BILLS WHICH WOULD EXPAND THE TUMACACORI NATIONAL MONUMENT IN THE STATE OF ARIZONA.

May 17, 1990

Mr. Chairman, it is a pleasure to appear before this Committee today to testify on S. 2011 and H.R. 2843 as it passed the House of Representatives to expand the Tumacacori National Monument. H.R. 2843 would also change the monument's official name to the Tumacacori National Historical Park.

We recommend that action on this bill be deferred pending final National Park System Advisory Board action on the proposed addition of the ruins of Calabazas.

If enacted, these bills would authorize the acquisition of two missions in southern Arizona, Los Santos Angeles de Guevavi and Calabazas, for addition to the existing Tumacacori National Monument, which was designated by presidential proclamation in 1908. Acquisition would be authorized within the newly established boundaries by donation, purchase with donated or appropriated funds, or exchange. Finally, H.R. 2843 calls for the appropriate recognition of Father Eusebio Francisco Kino's role in the settlement of this region through such interpretive programs and materials as may be necessary.

The National Park System Advisory Board has recently recommended to the Secretary that he designate the Guevavi site as a National Historic Landmark in recognition of its national significance. The National Park Service is currently preparing a similar report on Calabazas for the Board's consideration at its Fall meeting, scheduled in late-September, early-October.

While national significance is not an absolute requirement for our recommending an addition to an existing park unit, tests of relevance as well as management feasibility are important decision factors. These two sites are currently in such a condition as to require considerable management analysis before opening them to general public visitation. The House report to accompany H.R. 2843 notes that both sites require immediate stabilization to preserve their historic fabric as well as security measures to ensure their preservation from looting and vandalism. The report goes on to address the need to revise the current general management plan for the national monument to incorporate a broader spectrum of planning and management analysis. The report to the Advisory Board and their view of it will be essential to any future planning for an expanded national monument. These sites are not currently in imminent danger, and we recommend that Congress await action by both the Advisory Board and the Secretary before adding them to Tumacacori National Monument.

Mr. Chairman, this concludes my prepared remarks concerning S. 2011 and H.R. 2843. I would be pleased to respond to your questions at this time.

STATEMENT OF JAMES W. STEWART, ASSOCIATE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 2437, A BILL TO AUTHORIZE ACQUISITION OF CERTAIN LANDS IN LOUISIANA FOR INCLUSION IN VICKSBURG NATIONAL MILITARY PARK.

May 17, 1990

Mr. Chairman, S. 2437 would authorize the Secretary of the Interior to acquire by donation, exchange, or purchase 2.5 acres of land in Madison Parish, Louisiana, and to revise the boundary of Vicksburg National Military Park to include this parcel.

We recommend the enactment of S. 2437, and we recommend the adoption of certain amendments relating to that portion of the park in Mississippi.

Vicksburg National Military Park was established in 1899, and includes reconstructed forts and trenches to commemorate the 47-day Union siege of Vicksburg that ended in the surrender of the city on July 4, 1863. The park consists of 1,619 acres, all in Mississippi. More than half a million visitors were recorded at the park in 1989.

In 1863 General Ulysses S. Grant, in an attempt to move his Union force down the Mississippi River, ordered his forces to dig a canal across a bend in the river in Louisiana opposite the Confederate guns at Vicksburg. The canal route would thus bypass the Confederate artillery which could reach boats on the river proper. The 2.5-acre parcel referred to in S. 2437 is a remnant of that canal. The parcel is held by the Conservation Fund, and the Fund intends to transfer its interest to the National Park Service without cost if legislation is enacted to authorize acquisition of the property. The land was donated to the Fund, and we understand that there may be other unknown interests outstanding. If further investigation reveals such interests, we may wish to purchase them. Accordingly it is appropriate that S. 2437 authorizes acquisition by purchase as well as donation.

When it is acquired, we would interpret the significance of the property for visitors through signs and markers and in our interpretive brochures.

Mr. Chairman, we recommend two amendments to S. 2437. The first amendment would authorize the Secretary to accept the donation of a 2.82-acre parcel in Vicksburg. This parcel is owned by Warren County, Mississippi, surrounded on three sides by park land, and is used as the County's maintenance facility. The value of the property is approximately $500,000; however, the policy of Congress and the Department has long been to acquire State and county property only by donation or exchange, rather than use Land and Water Conservation Fund money to purchase it. Warren County plans to sell the property and relocate its maintenance facility with the proceeds. Rather than permit commercial development on this parcel, we propose to accept a donation and then assist the County in relocating its maintenance facility through a grant. The amendment would authorize such a grant.

The second amendment would exclude from the boundary of the park a narrow strip of land about 1,000 feet long along Confederate Avenue, which is not needed for park purposes. When the Avenue was relocated 20 years ago, this strip of park land was left between the new road and adjacent private lands. Our amendment would give the adjacent landowners a right to purchase the excluded land at fair market value, with any proceeds going to the Land and Water Conservation Fund. Owners have in the past sought to purchase a strip of this land but we have not been able to accommodate them, since the general surplus property laws do not apply to parks.

Mr. Chairman, we support S. 2437, and we ask your favorable consideration of our amendments. Attached is our recommended language.

This concludes my prepared testimony. I would be pleased to respond to any questions.

AMENDMENT NO. 1

SEC. _____. ACQUISITION OF LAND FROM WARREN COUNTY, MISSISSIPPI.

(a) DONATION. — The Secretary of the Interior is authorized to accept the donation of approximately 2.82 acres of land adjacent to the entrance of Vicksburg National Military Park from the Board of Supervisors of Warren County, Mississippi. The Secretary may contribute, in cash or services, to the relocation and construction of a maintenance facility to replace the facility located on the lands to be donated, all in accordance with an agreement between the Secretary and the Board of Supervisors of Warren County. When so accepted, the land shall be administered by the Secretary as part of Vicksburg National Military Park, subject to the laws and regulations applicable to such park.

(b) AUTHORIZATION OF APPROPRIATIONS. -- There are authorized to be appropriated such sums as may be necessary to carry out the provisions of any agreement entered into pursuant to subsection (a) and for restoration and landscaping of the property acquired in accordance with this section.

AMENDMENT NO. 2

SEC. ____. TRANSFER OF UNNEEDED PROPERTIES TO ADJACENT OWNERS.

(a) EXCLUSION FROM PARK. -- The boundary of Vicksburg National Military Park is hereby revised to exclude those lands depicted as "Proposed Deletions" on the map entitled "Vicksburg National Military Park," numbered 306-80,007, and dated May 1990, which map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Exclusive legislative jurisdiction over the lands excluded from the park is hereby retroceded to the State of Mississippi.

(b) TRANSFER TO ADJACENT OWNERS. -- For a period ending on the fourth anniversary of the date of enactment of this Act, the Secretary of the Interior shall from time to time transfer title to the lands excluded from the park by this section to the owner or owners of lands adjacent thereto upon application of such owners. No such transfer shall be made unless the application therefor is accompanied by a payment in an amount equal to the fair market value of the land and the administrative costs of such transfer incurred by the Secretary, including the costs of surveys, appraisals, and filing and recording fees. Notwithstanding any other provision of law to the contrary, all such payments shall be credited to the Land and Water Conservation Fund.

(c) DISPOSAL AS EXCESS. -- Following expiration of the period referred to in subsection (b), lands depicted on the map referred to in subsection (a) and not transferred to the adjacent owners shall be reported to the Administrator of General Services as excess to the needs of the Department of the Interior and shall be subject to transfer or disposition in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

STATEMENT OF JAMES W. STEWART, ASSISTANT DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 2566, A BILL TO AMEND THE NAME OF SUNSET CRATER NATIONAL MONUMENT TO SUNSET CRATER VOLCANO NATIONAL MONUMENT.

May 17, 1990

Mr. Chairman, I am pleased to appear before you today to testify on behalf of S. 2566, a bill to change the name of Sunset Crater National Monument to Sunset Crater Volcano National Monument.

Mr. Chairman, we recommend enactment of S. 2566.

The principal feature of this national monument is the fiery hued cone resulting from three volcanic eruptions in the San Francisco volcanic field of Arizona. This cone, covered with lava containing sulfur and iron, is so vivid that it was named Sunset Crater.

Visitors, however, confuse this volcanic crater with a privately owned and well advertised feature of the region which is a crater created by a falling meteor. The name change proposed in this bill would make it clear to visitors, prior to their trip to the site, that the national monument features the volcanic crater, and not the meteor crater.

This completes my prepared comments. I will be pleased to answer any questions you may have.

Senator **Bumpers**. Our last witnesses are our panel, Bruce Bartlett, Director of Planning, Zoning and Development of the City of Newport; Kevin Coyle, Vice President and Conservation Director, American Rivers, Inc.; and James B. Gardner, Deputy Executive Director of the American Historical Association.

Gentlemen, welcome. We are pleased to have you. Your statements will be inserted in the record in full and we ask you to summarize your statements and try to stay within the five minute rule.

Mr. Bartlett, you are first on my list.

STATEMENT OF BRUCE BARTLETT, DIRECTOR, PLANNING, ZONING AND DEVELOPMENT, CITY OF NEWPORT, RI

Mr. **Bartlett**. Thank you, Mr. Chairman. My name is Bruce Bartlett and I am the Director of Planning, Zoning and Development for the City of Newport, Rhode Island. I am here on behalf of Mayor Robert McKenna who is in Japan right now on city business.

I would like to say that both senators identified specifically that in the study by the National Park Service, the Cliff Walk has been identified as significant on the national level. In addition, what needs to be said further is that both the state, the federal government, and the City of Newport have, in fact, invested significant dollars into the preservation of the walk thus far. Many problems have arisen over the years and have been resolved by that cooperation. It is felt that there is a necessity to get a cooperative agreement as a unit of the National Park Service in order to continue this relationship.

There are local non-profit organizations that are willing to participate; the property owners which is something that has been brought up by the subcommittee as a concern, are very much interested. The City has what is called the Cliff Walk Commission which is made up of a number of the property owners.

I would like to point out, Mr. Chairman, that in the report from the National Park Service they do identify that the right-of-way is from the Colonial Charter and it was adopted into the Rhode Island Constitution in 1843 so that there is right-of-way along these properties. In addition, again, quoting from the report done by the National Park Service, that the property owners have already accepted that the right-of-way exists and have in the past come up with ideas to change the flow of the walk to allow for the people to walk across it at the same time having some privacy. The City of Newport on several occasions, when property owners have attempted to block, has disallowed any attempt to block the Cliff Walk. Regarding any possibilities of walls or fences eliminating the views, it would be very difficult given the makeup of the Cliff Walk as to how that could be accomplished. You may not be able to see a local, up-close view; at the same time it is possible, again through a cooperative agreement, that the City of Newport would be able to restrict zoning or restrict the walls through local zoning.

Again, I would like to reiterate that we are looking for a cooperative situation here. That from long views, it is very difficult given the makeup of the walk to obstruct the views of the mansions.

I am responding to a number of the questions that have already been asked and one point was brought up that we feel that it is very appropriate to have the presence of the national park there. In addition, we need the interpretive abilities of the National Park Service to provide their unique and desirable interpretation of the park. In addition, we feel that it is a situation where that cooperation has been successful in other areas. The State of Rhode Island has, in fact, as Senator Pell identified, at one point, $5 million to go into recreational improvements in the City of Newport and the Cliff Walk was specifically identified in that.

The City of Newport, obviously, is very much involved. The nonprofit organizations I referred to—there is a nonprofit that owns a great deal of property along the Cliff Walk, the Preservation Society, which one of the questions that the Park Service had was how will we have a relationship and service. The Preservation Society has indicated that they would be very much interested in creating a dialogue with the National Park Service in providing this. In addition, there is a possibility, the City owns the Eastern's beach which is at one end and that could be part of the overall concept.

Finally, the State of Rhode Island has said that they would be definitely interested in assisting in maintenance as well as our local non-profits.

Mr. Chairman, I will answer any other questions that you might have.

[The prepared statement of Mr. McKenna follows:]

THE CITY OF NEWPORT, RHODE ISLAND
OFFICE OF THE MAYOR
Robert J. McKenna
Mayor

Testimony of

Mayor
Robert J. McKenna
City of Newport, Rhode Island

on
S. 1990 An Act

before the
Public Lands, National Parks & Forests Subcommittees

of the
Senate Energy & Natural Resources Committee

May 17, 1990

TO: Members of the Subcommittee

My name is Robert J. McKenna. I am Mayor of the City of Newport, Rhode Island. I previously served in both the Rhode Island House of Representatives and Senate. While in the State Senate, I was chairman of the Committee on Finance. I have been an officer and a director of both the Newport and the Rhode Island Historical Societies. I am currently president of the Rhode Island League of Cities and Towns and the president of the Rhode Island Independent Higher Education Association. I am a Professor of Politics and Assistant to the President for Community Relations of Salve Regina College.

I have three purposes in my testimony: first, to describe the commitment to the Cliff Walk by the adjacent property owners, the neighborhood residents, and the City and State governments; second, to describe the Cliff Walk's importance, condition, and use; and, third, to present the need for Federal participation in the Cliff Walk.

I. Commitment:

From the individual property owner, to the neighborhood residents, to City and State governments there is deep support for the Cliff Walk's being made a unit of the National Park System. Currently, property owners are confronted with uncertainty about how the Cliff Walk will be maintained and preserved. Land owners along the Cliff Walk do not relish the prospect of people either falling off the cliffs or wandering into their yards to avoid dangers.

The Cliff Walk neighborhood is a National Historic Landmark District. The mansions are visited by hundreds of thousands of people annually. Within this neighborhood, the Cliff Walk is the most significant recreational resource and an integral part of the Newport mansion experience. A Cliff Walk Society has been organized and, to date, the group has raised more than $175,000 to repair the "Forty Steps." Further, the society is actively engaged in minor volunteer maintenance and beautification efforts.

The City of Newport supports the Cliff Walk's being made a unit of the National Park System. This support is formal. The City Council has adopted resolutions declaring its support and has offered administrative assistance in achieving this goal. Further, the City looks forward to working with the Federal government in providing security on the Cliff Walk.

The State of Rhode Island is likewise committed to the Cliff Walk. The State Senate has gone on record as supporting the inclusion of the Cliff Walk in the National Park System. The Rhode Island General Assembly as a whole has authorized a bond issue to provide a State share for funding improvements to the Cliff Walk. This bond issue was approved by Rhode Island voters in a statewide referendum in November, 1989. In addition, the Director of the Rhode Island Department of Environmental Management has pledged his support in providing maintenance on the Cliff Walk, once fully restored.

II. National Resource:

The Cliff Walk is a national resource. It is a unit of the National Recreational Trail System (and the first trail east of the Mississippi to be designated a National Recreational Trail). It is a National Natural Landmark and is within a National Historic Landmark. The names associated with the great "cottages" along the Cliff Walk are Vanderbilt, Astor, Belmont, Wharton and Lorrillard. These are not now local families, but families of premier importance nationally a century ago. The study prepared by the North Atlantic Regional Office of the Park Service indicated the Cliff Walk's national significance.

As a recreational resource, the Cliff Walk draws in excess of 150,000 people per year according to the Park Service, and more than half of these people come from outside of New England. The City's estimate of the number of users of the Cliff Walk is substantially higher.

Tourism is the world's largest industry. Newport, Rhode Island, has an international reputation as a resort community. It is a yachting center. It has an unparalleled blend of natural and man-made attractions. It enjoys a special relationship with Japan. Commodore Matthew Perry from Newport is famous for, among other things, opening the East; and, as a result of this historical connection, Newport continues to enjoy a special connection with Japan.

III. Federal Involvement:

Despite its great importance, the Cliff Walk is unprotected and uninterpretted. The Cliff Walk could, over time, simply fall into the sea. In places, this has already happened, and there have been serious accidents, including a fatality by a Cliff Walk user.

Although the Cliff Walk has received recognition as a national recreational, natural and historical resource, there is no proper designation and there are no materials describing its national significance.

Without Federal involvement it is likely that the Cliff Walk will be lost. This will lessen the ability of Newport and the United States to compete in the world-wide tourism market. Neighborhood groups, the City of Newport, and the State of Rhode Island are prepared to assist in the development of a cooperative arrangement with the Federal government in which the Cliff Walk is a unit of the National Park System. The establishment of this cooperative arrangement will formalize past cooperative reconstruction efforts by the Federal/State and local governments. The State of Rhode Island resources are present. The City of Newport and its residents' participation is certain. What is needed is the Federal legislation to enable this nationally significant project to go forward.

I wish to thank you very much for the courtesy you have extended to me and I deeply appreciate your consideration of the Cliff Walk's importance.

THE CITY OF NEWPORT

RESOLUTION
OF THE
COUNCIL

No. 33-89........

WHEREAS, on December 10, 1986, by Resolution No. 96-86, the Council of the City of Newport considered Cliff Walk as a candidate for inclusion in the National Park System; and

WHEREAS, on January 13, 1988, the Council of the City of Newport, by Resolution No. 4-88, reaffirmed the position of the City regarding the consideration of Cliff Walk as a component of the National Park System; and

WHEREAS, the Final Draft Report prepared by the National Parks Service, a division of the Department of Interior, has been prepared and indicates that the Cliff Walk is a nationally significant resource; and

WHEREAS, the Final Draft Report is to be presented to Congress in the near future; and

WHEREAS, the Final Draft Report, while recognizing the Cliff Walk's national significance, remains silent on a recommendation for inclusion of the Cliff Walk into the National Park System. NOW, THEREFORE, BE IT

RESOLVED: that the Council of the City of Newport respectfully requests the Secretary of the Department of Interior to include a recommendation in the Final Draft Report for inclusion of the Cliff Walk into the National Park System prior to its submittal to the U. S. Congress. AND BE IT FURTHER

RESOLVED: that copies of this resolution be forwarded to the State of Rhode Island's Congressional Delegation, the Governor of the State of Rhode Island, and the City's State Legislative Delegation, requesting their assistance in securing national park status for the Cliff Walk. AND BE IT FURTHER

THE CITY OF NEWPORT

RESOLUTION
OF THE
COUNCIL

No. 33-89
Page Two

RESOLVED: that the City of Newport, the State of Rhode Island, and the United States Government work closely together in developing the appropriate management plan and implementation schedule for the restoration, protection and preservation of the Cliff Walk.

THE NEWPORT CITY COUNCIL

IN COUNCIL

READ AND PASSED
March 8, 1989

Jane A. McManus

Jane A. McManus, CMC
City Clerk

THE CITY OF NEWPORT

- 1988

RESOLUTION
OF THE
COUNCIL
No. 4-88

WHEREAS, on December 10, 1986, the Council of the City of Newport adopted a resolution requesting that the National Park Service, an agency dedicated to the protection and preservation of natural, cultural and recreational resources of national significance, investigate the inclusion of Cliff Walk as a unit of the National Park System; and

WHEREAS, starting this past year and through the cooperation of the National Park Service, the University of Rhode Island and the City of Newport, a User Profile was established for the Cliff Walk; and

WHEREAS, this profile indicated that Cliff Walk is truly a nationally and internationally treasured natural resource; and

WHEREAS, through the efforts of U.S. Senator Claiborne deB. Pell a proposed study of the Cliff Walk for inclusion and the development of a proper management plan has been identified as a proposed project for the Department of Interior to undertake in FY 1988. NOW, THEREFORE, BE IT

RESOLVED: that the Council of the City of Newport reaffirms its position identified in Resolution No. 96-86, read and passed on December 10, 1986. AND BE IT FURTHER

RESOLVED: that the Council of the City of Newport respectfully requests the Secretary of Interior to identify the study of Cliff Walk as a top priority in the Department's FY 88 Budget. AND BE IT FURTHER

RESOLVED: that the Council of the City of Newport pledges its administrative assistance to aid in the development of such a study.

IN COUNCIL

READ AND PASSED
January 13, 1988

Jane A. McManus

Jane A. McManus, CMC
City Clerk

THE CITY OF NEWPORT

RESOLUTION
OF THE
COUNCIL

No. 96-86

WHEREAS, the City of Newport is blessed with many attractions drawing many hundreds of thousands of visitors to its shores, most notable among these being "The Cliff Walk"; and

WHEREAS, The Cliff Walk, a foot path through the Bellevue Avenue National Historic Landmark District along cliffs bounded by the Atlantic Ocean, combines the natural beauty and resources of the ocean and the cliffs with the architectural and cultural heritage of Newport's most famous 'summer cottages,' three of which are listed on the National Register of Historic Places; and

WHEREAS, having the distinction of being the first National Recreation Trail designated in New England, dedicated as such in 1975, the Cliff Walk has been enjoyed for over a century by Newport residents and visitors from all over the United States and the world; and

WHEREAS, the City Council, the Cliff Walk Commission, and the citizens of Newport recognize the need to protect and preserve this outstanding historic and scenic resource for the benefit and enjoyment of all persons. NOW, THEREFORE, BE IT

RESOLVED: that the Council of the City of Newport does hereby request that the National Park Service, an agency dedicated to the protection and preservation of natural, cultural, and recreational resources of national significance, investigate the inclusion of the The Cliff Walk as a unit of the National Park System. AND BE IT FURTHER

RESOLVED: that the Council of the City of Newport does hereby urge the National Park Service to prepare a study of The Cliff Walk as a candidate for such inclusion. AND BE IT FURTHER

RESOLVED: that a certified copy of this resolution be forwarded to our Congressional Delegation requesting their assistance in realizing this goal.

IN COUNCIL

READ AND PASSED
December 10, 1986

Jane A. McManus

Jane A. McManus, CMC
City Clerk

89 -- S 1429

PD3513

89 MAR 29 AM 9:49

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1989

SENATE RESOLUTION

RESPECTFULLY REQUESTING THE SECRETARY OF THE INTERIOR TO INCLUDE THE NEWPORT CLIFF WALK AS PART OF THE NATIONAL PARK SYSTEM

Introduced By: Senators Kerins and Carlin

Date Introduced: March 16, 1989

Referred To: Senate Read and Passed

WHEREAS, On December 10, 1986, by Resolution No. 9686, the council of the city of Newport considered Cliff Walk as a candidate for inclusion in the National Park System; and

WHEREAS, On January 13, 1988, the council of the city of Newport, by Resolution No. 4-88, reaffirmed the position of the city regarding the consideration of Cliff Walk as a component of the National Park System; and

WHEREAS, The Final Draft Report prepared by the National Parks Service, a division of the Department of Interior, has been prepared and indicates that the Cliff Walk is a nationally significant resource; and

WHEREAS, The Final Draft Report is to be presented to Congress in the near future; and

WHEREAS, The Final Draft Report, while recognizing the Cliff Walk's national significance, remains silent on a recommendation for inclusion of the Cliff Walk into the National Park System; now, therefore, be it

A TRUE COPY
ATTEST

SECRETARY OF STATE

RESOLVED, That this senate of the state of Rhode Island and Providence Plantations hereby respectfully requests the Secretary of the Department of the Interior to include a recommendation in the Final Draft Report for inclusion of the Cliff Walk into the National Park System prior to its submittal to the United States Congress; and be it further

RESOLVED, That the city of Newport, the State of Rhode Island and Providence Plantations, and the United State Government work closely together in developing the appropriate management plan and implementation schedule for the restoration, protection and preservation of the Cliff Walk; and be it further

RESOLVED, That the secretary of state be and she hereby is authorized and directed to transmit duly certified copies of this resolution to the Secretary of the Department of Interior, the Governor of Rhode Island and to each member of the Rhode Island delegation to the United States Congress.

=====
PD3513
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112

S. 89 1429 H.

SENATE RESOLUTION

RESPECTFULLY REQUESTING THE SECRETARY OF
THE INTERIOR TO INCLUDE THE NEWPORT
CLIFF WALK AS PART OF THE NATIONAL PARK
SYSTEM

Presented by David R Carlin

IN THE SENATE MAR 10 1989
[illegible]
Robert F. Ward
Read and PASSED, Reading Clerk

89--H6053 SUBSTITUTE A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1989

AN ACT

AUTHORIZING THE STATE OF RHODE ISLAND TO ISSUE GENERAL OBLIGATION BONDS AND NOTES IN AN AMOUNT NOT TO EXCEED $61,500,000 FOR THE PURPOSES OF ACQUIRING AND PRESERVING OPEN SPACE, ACQUIRING, PRESERVING, RESTORING OR IMPROVING RECREATIONAL AREAS, FINANCING CERTAIN IMPROVEMENTS TO ROGER WILLIAMS PARK, FINANCING THE RESTORATION OF THE CLIFFWALK IN NEWPORT AND FINANCING AGRICULTURAL LAND PRESERVATION

Introduced By: Reps. Boyle, Weygand, Teitz, Hernandez and B. Kennedy

Date Introduced: February 9, 1989

Referred To: Committee on Finance

It is enacted by the General Assembly as follows:

SECTION 1. Proposition to be submitted to the people.--

At the next general or special election there shall be submitted to the people of the State of Rhode Island for their approval or rejection the following proposition:

"Shall the act, passed by the general assembly at the January session, 1989, entitled, 'An Act Authorizing the State of Rhode Island to Issue General Obligation Bonds and Notes in an Amount Not to Exceed $61,500,000 for the Purposes of Acquiring and Preserving Open Space, Acquiring, Preserving, Restoring or Improving Recreational Areas, Financing Certain Improvements to Roger Williams Park, Financing the Restoration of the Cliffwalk in Newport and Financing Agricultural Land Preservation', be approved?"

SECTION 2. Ballot labels and applicability of general

Senator **Bumpers**. We will come back to it in just a moment. Mr. Coyle?

STATEMENT OF KEVIN J. COYLE, VICE PRESIDENT AND CONSERVATION DIRECTOR, AMERICAN RIVERS, INC.

Mr. **Coyle**. Thank you, Mr. Chairman. My name is Kevin Coyle. I work for American Rivers here in Washington, D.C. I am here primarily to talk about S. 2262, the Massachusetts River bill.

We wish to lend our support to the passage of this bill. While we may typically think of rivers in the New England region as America's working rivers—they're dammed and generally highly developed—there are still many important natural streams in New England. This river, this river system, is very significant from the standpoint of its biological importance: marshlands; clean water; it has the longest continuous birding list ever developed in history, it is a list that has been kept since the Rose days. There are obvious historic values which have been discussed by others, the relationship to the Revolution, the relationship to the Industrial Revolution, the relationship to literature and philosophy in the United States.

In general, we believe that these rivers are very significant from the standpoint they can increase the diversity, improve the diversity, of the Wild and Scenic systems which tends to be western-oriented, tends to be mountain streams. Moreover, we believe that there is a particularly important opportunity here to protect rivers that indeed are largely private land. As you know most of the rivers in the Wild and Scenic system are bordered by public land. When you get into a private land situation, it becomes much more difficult.

While the National Park Service has been identified through their development of their Minuteman plan as having intimidated a number of the people in the area, I want to point out that there is a program within the National Park Service which is called the State and Local Assistance Program, which, in this case, did quite the opposite. The Park Service was able to put staff up into these communities and to get resolutions from each of these communities supporting the study. Of course, along with that, Congressman Atkins, in particular, worked very hard on the language for the Bill because of the need for assurances that the communities had.

Our position on that is we want to be able to try to strike a balance between assuring the communities that they are not going to be run out of town or condemned or lose some of their development opportunities on the river. At the same time we sure would not want to see much damage to the Wild and Scenic Rivers Act through bad precedent or whatever. We are hopeful that—and we suggested to Congressman Atkins and to the senators—that there may be an opportunity to put some of this language into Committee Report language. The real question is whether that would satisfy some of the communities. I personally have been in touch with the City of Concord and a number of the communities up there talking very expressly about the unlikelihood that the government would come in and do some sort of wholesale land acquisition program, but they insist on these reassurances.

Overall, for reasons of the importance of these rivers and the fact that the Park Service has done some exceptional work in building grassroots support for this, that we are supportive of this legislation.

[The prepared statement of Mr. Coyle follows:]

American Rivers

Testimony of Kevin J. Coyle, Vice President and Conservation Director, American Rivers, Inc.

Before the:

Senate Subcommittee for Public Lands,
National Parks and Forests

on:

S. 2262

Legislation to study segments of the Sudbury,
Assabet and Concord Rivers in Massachusetts
as potential additions to the National
Wild and Scenic Rivers System

May 17, 1990

801 PENNSYLVANIA AVE., S.E.
SUITE 303
WASHINGTON, D.C. 20003
202-547-6900

Thank you, Mr. Chairman, my name is Kevin J. Coyle, and I am Vice President and Conservation Director for American Rivers, Inc., the nation's principal river-saving organization.

Mr. Chairman, we wish to lend our support to the passage of S. 2262, a bill to authorize Wild and Scenic River study for segments of the Sudbury, Assabet and Concord rivers in Massachusetts. These rivers are outstanding resources, each of which deserves appropriate recognition and protection.

While we may typically think of rivers in the New England Region as America's working rivers and thus dammed and developed for mill works, power production, railroad and automobile passage, and urban uses, the region has many natural and undeveloped stream segments. Indeed, the qualities of such streams are enhanced by the legendary pastoral beauty of New England landscapes and their rich cultural heritage. Most of the rivers now included in the National Wild and Scenic River System differ from these two streams. Most rivers in the system are more remote and are farther from population centers. A majority are situated in the American West and thus flow across public land. These three rivers--Eastern, New England rivers--therefore, constitute an exceptional opportunity to broaden the diversity of rivers within the national rivers system and to make it more representative of all the nation's rivers. Indeed, these rivers were frequented by such luminaries as Henry David Thoreau and Nathaniel Hawthorne. Moreover, they have an unusual diversity of wildlife and plant species.

Second, the fact that these studies have broad-based local support is particularly noteworthy for future river studies and designations. As you know, Mr. Chairman, rivers bordered mostly by private land pose a considerable challenge to the conservationist. Often the mere prospect of a Wild and Scenic River Study on such a river can mobilize whole communities against river protection and politically negate the potential for study or designation for years, even decades, to come. Even though the Wild and Scenic Rivers Act contains a clear emphasis on protecting local landowners and community interests, the Act is often misunderstood, and its complicated language can be intimidating to the local citizen. In this instance, however, through careful assistance and communications provided by the National Park Service and through its involving key local decision makers at every stage of the "pre-study" process, these study bills have documented local support and thus can teach us a number of lessons for future Wild and Scenic River protection efforts.

We wish to commend Senators Kerry and Kennedy for their leadership in introducing these very important bills and also to acknowledge the support leadership of Congressman Atkins, who introduced counterpart legislation in the House of Representatives. Thank you, Mr. Chairman.

Senator **Bumpers**. Thank you very much.

Mr. Gardner?

STATEMENT OF JAMES B. GARDNER, DEPUTY EXECUTIVE DIRECTOR, AMERICAN HISTORICAL ASSOCIATION

Mr. **Gardner**. I am here today representing the American Historical Association, the nation's largest and oldest professional organization for historians. I have also been asked to note that the National Parks and Conservation Association also endorses my testimony today.

Our support of S. 2072 which deals with the Theme Study on American Labor History is based on my own experience with the landmarks program. I am convinced of the importance, not only of National Historic Landmark status but of the Theme Study approach that is proposed in this Bill.

Twelve years ago, just after I completed my Ph.D. in History, I was hired as a staff historian by the American Association for State and Local History, another professional organization in the field. That organization was, at the time, under contract with the Department of the Interior to conduct NHL theme studies, just as is proposed in this legislation. During my tenure there, we completed theme studies on commerce and business and on American ways of life. The NHL program, as I was involved with it at that time, really performs an important service. In identifying those sites that are so significant to understanding and documenting our collective past that they merit national designation, recognition that goes beyond that of the state-based national register process. We explained this to the people that we dealt with that it was essentially the "Honor Roll" of the National Register. And, I believe that those sites of national significance can best be identified within the context of a national study, pulling back from a more focused agenda the usual designation process and selecting those places that best illuminate the larger central themes in the American experience.

More recently, I've served as a consultant on still another NHL theme study that is currently being conducted by the National Coordinating Committee for the Promotion of History and the Organization of American Historians. That experience has, again, demonstrated the importance of this approach. Unfortunately, landmark status has been conferred on relatively few sites associated with American labor history. Of nearly 2,000 sites designated as National Historic Landmarks since the establishment of the program in 1935, perhaps only 100 relate directly to this theme despite the vital and integral role of America's laboring women and men throughout our history. To some extent this is due to a problem of conceptualization. It is only in the last two-and-one-half decades that historians have redefined what history is, shifting away from a preoccupation with elites, with achievement, with achievers, with what we term the great men and great events in our past. Historians now define the boundaries of historical inquiry to include ordinary people and everyday activities.

The NHL program has unfortunately focused on the more traditional conceptualization of the past. The thematic framework that guides the NHL program is very antiquated and in critical need of reconceptualization to meet the current standards of the historical profession. And, indeed, we are in conversation with the National Park Service about this need. The theme study on labor history that is proposed in this legislation offers an important opportunity to move the NHL program forward, beyond this rather antiquated approach to the past. If conducted within the context of current historical scholarship, this theme study will encompass the American work experience in all its variety. It will include sites that illustrate or commemorate shared experiences and the contributions of everyday life to the larger historical processes. By that I mean, that it would include not only those sites associated with influential union leaders, advances in labor organization and pivotal strikes, but also those that document working-class life, work patterns, ethnic and family structures, gender and age differences, and the shop-floor experience, not to mention labor in preindustrial America.

Where I think I, and those that I speak for, differ most from the National Park Service is in terms of the role of historians, trained historians in the project. In the development of a theme study, historical perspective is more important than technical preservation or archaeological expertise. But the Bill under discussion does not provide for the appointment of historians to the study's advisory board. It calls for the appointment of historic preservationists, but unfortunately not all, and in fact very few, historic preservationists are really historians with the training and expertise and the breadth of perspective. The Park Service as was noted in earlier testimony does have a number of well-trained historians on staff. But, those individuals cannot fill the same role that a board can in establishing policy. We feel that it is important that there be an advisory board to provide perspective from outside the National Park Service. That is essential to the peer review system upon which we, in the historical profession, all depend. The Park Service relies on historians, on outside historians, but is often very far down the process well after the critical decisions are made in terms of definition and scope.

In short, I urge you to add historians to the board ensuring attention to scholarly standards from the initial development of policy guidelines through the actual theme study and evaluation. One way to ensure this is through formal collaboration with one or more professional historical organizations, which again differ with the Park Service. I have had experience myself in other organizations in collaborative arrangements and they have worked well. My own organization, the American Historical Association, would certainly be interested in some sort of collaboration as would the Organization of American Historians, the American Association for State and Local History, the National Council for Public History and other more specialized groups in labor history.

In sum, theme studies are the only way that I know of to ensure that the appropriate perspective and necessary expertise are brought to bear in the identification and preservation of our nation's most significant historic sites. I urge authorization of the proposed study with those amendments to include trained historians.

Thank you.

[The prepared statement of Mr. Gardner follows:]

ORGANIZED 1884 INCORPORATED BY THE CONGRESS 1889

American Historical Association

400 A STREET S.E. WASHINGTON, D.C. 20003 | 202-544-2422

Testimony of

James B. Gardner, Deputy Executive Director

American Historical Association

Before the

Subcommittee on Public Lands, National Parks, and Forests

Energy and Natural Resources Committee

of the U.S. Senate

S. 2072

May 17, 1990

I am James B. Gardner, Deputy Executive Director of the American Historical Association. Founded in 1884 and chartered by Congress in 1889, the AHA is the nation's largest and oldest professional organization for historians, encompassing every geographical, chronological, and topical specialization and bringing together nearly 5,000 institutions and over 14,000 individuals, including college and university faculty, public historians, independent scholars, archivists, librarians, and secondary school teachers. Our reach is extended through 92 affiliated societies with a combined membership exceeding 90,000. It is that diverse community of historians on whose behalf I appear today.

My support of S. 2072, to authorize a National Historic Landmark Theme Study on American Labor History, is based on my own first-hand experience with the National Historic Landmarks program, which has convinced me of the significance not only of NHL status but of the theme study approach proposed. Twelve years ago, just after completing my Ph.D. in history, I was hired as a staff historian by the American Association for State and Local History, at that time under contract with the Department of the Interior to conduct NHL theme studies. During my tenure there, we completed theme studies on commerce and business and on American ways of life. When asked what the NHL program was about, we described it as the "Honor Roll" of the National Register--those sites so significant to understanding and documenting our collective past that they merit national designation, recognition beyond the state-based National Register process. And, we explained, those sites can be identified best within the context of a national study, pulling back from the more focused agenda of the usual designation process and selecting those places that best illuminate the larger, central themes in the American experience. More recently, I have served as a consultant on an NHL theme study on women's history being conducted by the National Coordinating Committee for the Promotion of History and the Organization of American Historians, and I have seen demonstrated again just how essential the theme study approach is for the systematic identification of sites of national significance.

Unfortunately, landmark status has been conferred on relatively few sites associated with American labor history. Of nearly 2,000 sites designated as NHLs since the establishment of the program in 1935, perhaps only a hundred relate directly to this theme, despite the vital and integral role of America's laboring women and men throughout our history. To some extent this is due to a problem of conceptualization--it is only in the last two-and-a-half decades that historians have redefined what history is, shifting away from an older preoccupation with elites, with achievers and achievements, with great men and great events, and expanding the boundaries of historical inquiry to include the ordinary people and everyday activities basic to the American experience. The NHL program has long reflected the more traditional approach, and indeed the thematic framework that guides this program is antiquated and in critical need of reconceptualization to meet the current standards of the historical profession. This proposed theme study in labor history offers an important opportunity to move the NHL program forward and broaden our national historical perspective. If conducted within the context of current historical scholarship, this theme study will encompass the American work experience in all its variety. It will include sites that illustrate or commemorate shared experiences and the contributions of everyday life to the larger historical processes, incorporating not only those sites associated with influential union leaders, advances in labor organization, and pivotal strikes, but also those that document working-class life, work patterns, ethnic and family structures, gender and age differences, and the shop-floor experience--not to mention labor in preindustrial America.

This will not happen, however, without the active involvement of trained historians. In the development of a theme study, historical perspective is more important than technical preservation or archaeological expertise. Yet the bill under discussion does not provide for the appointment of historians to the study's Advisory Board. It does call for appointment of historic preservationists, but unfortunately all historic preservationists are not historians. And although the National Park Service has a number of well-trained historians on staff, those individuals cannot fill that role for the board, whose perspective from *outside* NPS is essential to the peer review system upon which we in the historical profession all depend. I urge you to add historians to the board, ensuring attention to scholarly standards from the initial development of policy guidelines through the actual theme study and evaluation. One way to ensure this is through formal collaboration with one or more professional historical organizations. My organization, the AHA, would certainly be a possibility as would the Organization of American Historians, the American Association for State and Local History, the National Council for Public History, and other more specialized groups in labor history.

In sum, theme studies are the only way that I know of to insure that the appropriate perspective and necessary expertise are brought to bear in the identification and preservation of our nation's most significant historic sites, and I urge authorization of the proposed study.

Thank you for the opportunity to speak on behalf of this important bill.

Senator **Bumpers**. Thank you. Mr. Bartlett, you have heard us discuss this Cliff Walk bill, I assume, with both your Senators—both extremely noble and able and honorable men—and you also heard the Park Service comments on that.

Now I have never seen this walk and had never seen a picture of any segment of it until today. It looks like a very beautiful place, and it looks like it would be a beautiful experience to walk along it. Even if the mansions were not there, it would be a beautiful walk.

But you also heard him say that there are something like, what is it, 97 different property owners, or some such thing?

Mr. **Bartlett**. Fifty-seven, Senator.

Senator **Bumpers**. Fifty-seven. And I am not sure—we are going to have to resolve the legal title to the walk before we start putting $3 million, or even $2 million, into that walk. And I just do not know how we do that without some kind of eminent domain.

Obviously you probably could not get a voluntary transfer of title to the Walk to the Park Service, and I do not know how you get it, other than condemnation, if you do not do that.

Mr. **Bartlett**. Mr. Chairman, as it stands now, the city has a right-of-way to these properties, designated, as I mentioned, in the Constitution. At the same time, the property owners are fully cognizant of our efforts to make the Cliff Walk a national park, and I believe that there is significant support for that. If it takes something as far as getting the property owners to transfer this right-of-way, that is something that certainly that could be discussed and negotiated, sir.

At the same time, it is clear through history, that this, in fact, has been challenged by the property owners—previous property owners—and has also been upheld as a right-of-way.

Senator **Bumpers**. Well, I want to do it because I think it is in the national interest. And I want to do it to accommodate your Senators, both of whom are very good friends of mine, but I just want to make sure that we can get that clarified. And I look forward to running up to Newport some weekend and having a look at that Walk, which I did not know existed.

Mr. Coyle, so far as the rivers are concerned, you have heard the conversation on that, too. And I do not know how we are going to resolve that. There again, I feel strongly about getting those rivers included in the wild and scenic river system, but there are some really serious impediments to the passage of that bill here, unless we can get some of those problems resolved which you have already heard.

I appreciate your testimony and your interest, as I do yours, Mr. Gardner. And of course the Park Service never wants anybody else to have any input into these things and your point about the advisory board, I think is a good one.

I think we do need historians. We probably need some people from the labor movement involved in this Commission, also. They have a keener personal sensitivity to which ones are important than anybody on the Park Service Advisory Committee might have.

So with that, gentlemen, we thank you all very much for coming down to be with us. I am sorry the Mayor could not come. Give him my best wishes. Thank you all very much.

The committee will stand in adjourned.

[Whereupon, at 3:30 p.m., the hearing was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

THE CITY OF NEWPORT, RHODE ISLAND 02840

May 30, 1990

The Honorable Dale Bumpers
Senator, State of Arkansas
Chairman, Sub-Committee on
Public Lands, National Parks and Forests
364 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Bumpers:

As indicated in the Mayor's letter dated May 24th, we appreciate the opportunity to comment on the Senate Bill S.1990. Obviously, the City of Newport is disappointed with the National Park Service's opposition to the inclusion of the Cliff Walk in the National Park system as a historic site. I certainly understand the pressures of balancing shrinking budgets with expanding responsibilities, however, the fact remains that, as indicated by the Park Service study, the Cliff Walk is clearly of national significance. In addition, the State of Rhode Island, the City, and local non-profit organizations stand ready to assist the Park Service in restoring, maintaining and operating the Cliff Walk.

If I may, I would like to respond to the reasons identified by Mr. Stewart for opposition to bill S. 1990:

1. Ownership - As I expressed at the hearing, and reiterated by the attached letter from the City Solicitor's office, the City has a clear right-of-way across these properties. Further, to support this, the City of Newport is asking Governor DiPrete to have the Coastal Resources Management Council formally designate the Cliff Walk as a public right-of-way.

   Again, referring to the study prepared by the National Park Service, on page 12 it states, "Accepting the idea that they had no legal basis to block the walk, they resorted to confining it as much as possible."

2. Liability - Much of the liability occurs because of the lack of maintenance on the walk. It is clear that by a cooperative agreement and improvement to the Cliff Walk the liability will be minimized.

3. Visual Access - While it is true that visual access to the "summer cottages" along the Cliff Walk is an integral part of the Cliff Walk experience and in some cases plantings and walls are currently blocking close visual access. It is also true that the way the walk is designed there are many long and more desirable views of these particular structures. It is also possible that in the future by working in cooperation with the owners, that these plantings and walls can be appropriately designed insuring security without impeding the public view of these cottages.

   As you know, the Cliff Walk is within the City's local historic zoning district. Under a revision in the State's enabling legislation, the City is entitled to review and approve walls, fences, etc. The City of Newport is currently revising its ordinance to include these powers.

4. Operation and Maintenance - As indicated before, the City of Newport and the State of Rhode Island through a cooperative agreement with the National Park Service are willing to participate in the operation of maintenance of the walk. In fact, the Director of the State Department of Environmental Management has stated that once the walk is restored, the department will assume responsibility for the Cliff Walk's maintenance.

5. Current Condition - In 1971, the Army Corp of Engineers surveyed the entire Cliff Walk and made appropriate suggestions as to the renovations to the walk. In the past, the Federal government, the State of Rhode Island and the City of Newport have contributed over $2 million in implementing many of these suggested renovations. By formalizing this arrangement, it will enable the City, State, and National Park Service to both implement the remaining renovations necessary and the operation of the Cliff Walk.

Again, thank you for your consideration in this matter.

Sincerely,

Bruce T. Bartlett, Director
Planning, Zoning & Development

BTB/jc

Attachment

THE CITY OF NEWPORT, RHODE ISLAND 02840

May 30, 1990

The Honorable Senator Bumpers
Public Lands, National Parks
  & Forests Subcommittees of the
Senate Energy & Natural
  Resources Committee
Washington, D.C.

Re: Cliff Walk, Newport, Rhode Island

Dear Senator Bumpers:

It has been brought to my attention that the Public Lands, National Parks and Forests Subcommittee is concerned that the City of Newport does not hold title to the fee of the Cliff Walk. It is my hope that the following opinion letter will address those concerns.

Cliff Walk, which is a foot path extending a distance of approximately 18,000 feet from the west end of Newport (Easton's) Beach to the east end of Bailey's Beach, has been in existence and use by the general public for well over 100 years.

From records available at the City Hall, it is clear that the owners of various properties abutting the Cliff, commencing in approximately 1840 through 1900, laid out a pedestrian walk in front of their various properties along the top of the Cliffs and some even built special tunnels, bridges, etc., to facilitate the public's right of access along the Cliffs. By this dedication by the owners of the property and by the continued use by the general public, there has arisen a public easement to pass and repass, for pedestrian purposes, a foot path around the edge of the Cliffs.

Article I, Section 17 of the Constitution of the State of Rhode Island, which was adopted in 1843, provides as follows:

> "The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been

> heretofore entitled under the charter and usages of this state. But no new right is intended to be granted nor any existing right impaired, by this declaration."

In the case of Jackvony vs. Powell, 67 R.I. 218, the Rhode Island Supreme Court at page 227, held as follows:

> "After considering the above authorities in this state and all other authorities here and elsewhere which have been called to our attention or which we have found and which have any bearing on the Constitutional question now before us, we are of the opinion that at the time of the adoption of our Constitution there was, among the 'privileges of the shore', to which the people of this state had been theretofore entitled under the 'usages of the state', a public right of passage along the shore, at least for certain proper purposes and subject, very possibly, to reasonable regulation by acts of the General Assembly in the interests of the people of the state."

In modern times the right of the general public to pass and repass along the so-called Cliff Walk has not been challenged by any person, except in 1938 a barricade was erected across the walk near its entrance from Memorial Boulevard. This barricade was promptly demolished by the sheriff of Newport county, acting as a state officer and representing the public.

The State of Rhode Island, through its voters, has authorized bond issues to be used as the state's share in repairing the Cliff Walk, which clearly shows that the walk is a public right as state money could not be spent on a private walkway. The voters of the City of Newport have authorized the expenditure of bond monies to assist in repairing the Cliff Walk, as has the Congress of the United States.

Among other projects, in 1971 substantial repairs were made to the walk under a 1971 Army Corps of Engineers' Project. In 1975, the City constructed a granite wall, approximately 110 feet long and 40 feet high, at a particularly dangerous stretch of the walk. Further, work was done by the City in 1976 to repair portions of the walk at a cost of $668,000.00.

The City also established in 1968 a Cliff Walk Commission to regulate the walk. This Commission's authority has never been challenged and remains in existence today. I have enclosed herewith a copy of said ordinance for your reference.

It is the opinion of this office that a public easement or right-of-way has been created by continued use of the walkway along the top of the cliffs. This public easement varies in width, from five (5) to ten (10) feet, is clearly laid out and has been so laid out and used for over 100 years.

With best wishes, I am

Sincerely yours,

M. Teresa Paiva Weed
Assistant City Solicitor

Enclosure

cc: City Mayor
 Council Members
 City Manager

CHAPTER 256
Cliff Walk Commission

256.01 Creation; function.
256.02 Composition; terms; vacancies; compensation; meetings.
256.03 Funds and disbursements; records.
256.04 Rules and regulations; limitation on expenditures.
256.05 Cooperation from City departments.
256.06 Annual report.

CROSS REFERENCES

Preservation of historic structures - see G. L. R. I. §45-24.1-8

Appointment of Harbor Coordinator - see G. L. R. I. §46-4-6.6

Use of bicycles and motorcycles on the Cliff Walk - see S.U. & P.S. 1060.02

256.01 CREATION; FUNCTION.

There is hereby created a Cliff Walk Commission, to be appointed by Council, which Commission shall manage and expend all funds contributed to or by the City for the repair, renovation, improvement and maintenance of that certain walk known as "Cliff Walk," situate in the City and passing along the face of the cliffs and land between Easton's Beach and Bailey's Beach, which walk was originally created by the owners of land abutting on the cliffs and which walk shall be open to the general public for the purpose of passing and repassing on foot along the face of the cliffs.
(1968 Code §2-49; Ord. 447)

256.02 COMPOSITION; TERMS; VACANCIES; COMPENSATION; MEETINGS.

The Cliff Walk Commission shall consist of six members. The Mayor shall be an ex-officio member and Council shall elect five other members, as follows: one to hold office until November 1, 1967; one to hold office until November 1, 1968; one to hold office until November 1, 1969; one to hold office until November 1, 1970; and one to hold office until November 1, 1971. Thereafter, beginning on November 1, 1967, Council shall elect one member to hold office until November 1 in the fifth year next following the time of such election. Each member of the Commission shall hold office until a successor is elected and qualified. In the case of a vacancy on the Commission from any cause, Council shall elect a person to the Commission to fill the vacancy for the remainder of the unexpired

term. The members of the Commission shall serve at the pleasure of Council and may be removed by Council for any reason it may deem sufficient. Members of the Commission shall serve without compensation, but shall be compensated for their necessary and actual traveling expenses in the performance of their official duties, to be paid out of any funds appropriated for the use of the Commission. Regular meetings of the Commission shall be held at least once every two months on such days as the Commission may determine or as often as may be deemed necessary. Special meetings shall be held at the call of the Chairman or at the written request of two members. The Commission shall adopt rules for the transaction of business and shall keep permanent and complete public records of its proceedings and meetings, all of which meetings shall be open to the general public. Three members of the Commission shall constitute a quorum at any regular or special meeting and no action shall be taken except by the concurring vote of not less than three members. In November of 1966 and in the month of November every two years thereafter, the Commission shall organize by electing a Chairman, a Vice-Chairman and a Secretary.
(1968 Code §2-50; Ord. 447)

256.03 FUNDS AND DISBURSEMENTS; RECORDS.

All moneys contributed to the City and specifically designated to be used for the renovation, improvement, repair and maintenance of the Cliff Walk shall be held by the Director of Finance, who shall report to the Chairman of the Cliff Walk Commission all contributions so made. The Director shall expend all such moneys only upon written invoices signed by the Chairman and Secretary and approved by the Commission at a regular or special meeting. The Director shall keep a record of all moneys which come into his or her possession and of all disbursements therefrom, and as often as called upon to do so, he or she shall render to the Commission an account in detail of all receipts and disbursements of moneys coming into his or her possession specifically designated for the use of the Commission. The Director shall, when called upon, give such other further information in regard to the moneys in his or her possession as may be requested of him or her by the Commission and his or her books shall at all times be open to its inspection.
(1968 Code §2-51; Ord. 447)

256.04 RULES AND REGULATIONS; LIMITATION ON EXPENDITURES.

The Cliff Walk Commission may make such rules and regulations for use by the public of the Cliff Walk as it may deem advisable, and the Commission shall have full authority and power to solicit contributions for the purposes hereof and to enter into and execute such contracts in relation to the repair, renovation, improvement and maintenance of the Cliff Walk, and any other expenditures incidental thereto, as it may deem necessary and expedient, provided, however, that the Commission shall have no power to obligate the City in excess of any contributions or appropriations made for such purposes.
(1968 Code §2-52; Ord. 487)

256.05 COOPERATION FROM CITY DEPARTMENTS.

The Cliff Walk Commission is hereby authorized to call upon any City department, through the office of the City Manager, for assistance in implementing its duty of restoring and maintaining the Cliff Walk for the use of the general public.
(1968 Code §2-53; Ord. 447)

256.06 ANNUAL REPORT.

The Cliff Walk Commission shall report annually in the month of November to Council, summarizing the work of the preceding year and including recommendations of future plans.
(1968 Code §2-54; Ord. 447)

TOWN OF BEDFORD
BEDFORD, MASSACHUSETTS 01730

Richard T. Reed, *Town Administrator*

Town Hall
Bedford, MA 01730

617-275-1111

May 25, 1990

The Honorable Dale Bumpers
United States Senator
Chairman of the Subcommittee on Public Lands, National Parks and Forests
308 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Bumpers:

I am writing on behalf of the Selectmen of the Town of Bedford. I understand that your committee is considering Senate Bill #2262 - Wild and Scenic River Study (for the Sudbury, Assabet and Concord Rivers). Of particular concern to the Town of Bedford is the wording in the bill which will authorize the study, Section 4, Subsections (e), (f) and (g) of the proposed bill (copy attached) incorporate provisions concerning condemnation authority and the study's effect on flood control, drinking water supplies and waste treatment facilities. It is very important to the Town of Bedford that these provisions are included in the legislation when it is adopted by Congress. Bedford's Town Meeting (our municipal legislative body) endorsed this study on the basis that these provisions would be included.

The Town supports the proposed study and requests that your committee give a favorable report on the bill as drafted.

Sincerely yours,

Richard T. Reed

Richard T. Reed
Town Administrator

RTR:jn

Attachment

cc: Julia Blatt
Senator Atkins' office - Lowell

ATKINS011

HLC

9/26/89

101st Congress
1st Session

H. R. ____

IN THE HOUSE OF REPRESENTATIVES

Mr. Atkins introduced the following bill; which was referred to the Committee on ______________________

A BILL

To designate segments of the Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the national wild and scenic rivers system.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Sudbury, Assabet, and Concord Wild and Scenic River Study Act''.

SEC. 2. FINDINGS.

The Congress finds that--

(1) The Sudbury, Assabet, and Concord Rivers in the Commonwealth of Massachusetts possess resource values of national significance, such as outstanding wildlife and ecological values, historic sites, and a cultural past important to our literary heritage.

(2) Portions of this study segment have been listed on the Nationwide Rivers Inventory by the National Park Service;

(3) There is strong support among State and local officials and area residents and river users for a cooperative wild and scenic river study of the area.

(4) In view of the longstanding Federal practice of assisting States and local governments in protecting, conserving, and enhancing rivers of national significance, the United States has an interest in assisting the Commonwealth of Massachusetts and the appropriate local governments in studying and developing a resource conservation and management plan for the river, consistent with the Wild and Scenic Rivers Act.

SEC. 3. WILD AND SCENIC RIVER STUDY.

(a) LISTING FOR STUDY.--Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraph at the end thereof:

``(106) SUDBURY, ASSABET, AND CONCORD, MASSACHUSETTS.--The segment of the Sudbury from the Danforth Street Bridge in the town of Framingham, to its confluence with the Assabet, the Assabet from 1,000 feet downstream of the Damon Hill Dam in Concord to its confluence with the Sudbury, and the Concord from its confluence with the Sudbury and Assabet downstream to the Route 3 Bridge in the town of Billerica. The study of such river segments shall be completed and the report submitted thereon not later than at the end of the third fiscal year beginning after the date of enactment of this paragraph.''.

SEC. 4. STUDY

(a) ESTABLISHMENT OF STUDY COMMITTEE.--As the earliest practicable date following the enactment of this Act, the Secretary of the Interior (hereinafter in this section referred to as the ``Secretary'') shall establish the Sudbury, Assabet, and Concord River Study Committee (hereinafter in this section referred to as the ``Study Committee''). The Secretary shall cooperate with the Study Committee in the conduct of the study of the segments listed in section 3 of this Act and in the development of the natural and cultural resource and other information needed to determine the eligibility of such segments for inclusion in the national wild and scenic rivers system. The Committee shall terminate upon completion of the study of the segments listed in section 3 of this Act.

(b) ESTABLISHMENT AND MEMBERSHIP.--Membership of the Committee shall consist of 13 members appointed as follows:

(1) One member appointed by the Secretary.

(2) 2 members appointed by the Governor of the Commonwealth of Massachusetts, one from the Department of Environmental Management of that State and one from the Massachusetts Water Resources Authority.

(3) One member appointed by the Sudbury Valley Trustees.

(4) One member appointed by the Organization for the Assabet River.

(5) One member appointed by the Board of Selectmen (or comparable local governing body in the case of a town without a Board of Selectmen) of each of the 8 towns included in the study area.

(c) ADMINISTRATIVE PROVISIONS.--(1) A vacancy in the Study Committee shall be filled in the manner in which the original appointment was made. Vacancies in the membership of the Committee shall not affect its power to function if there are sufficient members to constitute a quorum under paragraph

(3).

(2) The Chairman of the Study Committee shall be elected by the members of the Study Committee.

(3) 7 members of the Study Committee shall constitute a quorum.

(4) The members of the Study Committee shall serve without compensation.

(5) The Study Committee is authorized to accept services and other assistance from State and local governments.

(6) The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to this Advisory Commission.

(d) TECHNICAL ASSISTANCE FROM THE SECRETARY FOR THE STUDY OF THE RIVER.--In consulting with the Study Committee in the conduct of the study of the segments listed in section 3 of this Act the Secretary shall provide such technical and financial assistance to the Committee as the Secretary deems necessary.

(e) STUDY.--In order to provide for a wide range of land and water uses and for scenic and recreational activities in a manner compatible with designation as a wild and scenic river, the study of the river segments listed under section 3 of this Act shall include detailed management alternatives for those segments and for their adjacent lands. Each such management alternative shall include each of the following--

(1) A statement with respect to its effectiveness in protecting the outstanding natural and cultural values of the river segments and their related areas and of recreation use goals and objectives.

(2) A description of its impact on important local needs, including possible use of the rivers to bolster drinking water supplies or receive discharge from sewage treatment facilities, or possible initiation of flood control and elevation control measures.

(3) A detailed natural, recreational, and cultural resource and land use inventory and assessment for the river segments and related land areas.

(4) An assessment of the attitudes of riverfront landowners, and local residents and officials toward present and future conservation management of the land and water resources of the river segments and their related land areas.

(5) Recommendations for existing and proposed land and water management to ensure conservation and preservation of the river segments.

(6) Specific guidelines for the implementation and administration of such alternatives, including a clear delineation of the responsibilities of the local, State, and Federal governments.

(7) A map showing the proposed boundaries and classification of the river and related land areas.

(8) Possible approaches to assuring that actions by any Federal, State, or local government agency are consistent with each management alternative.

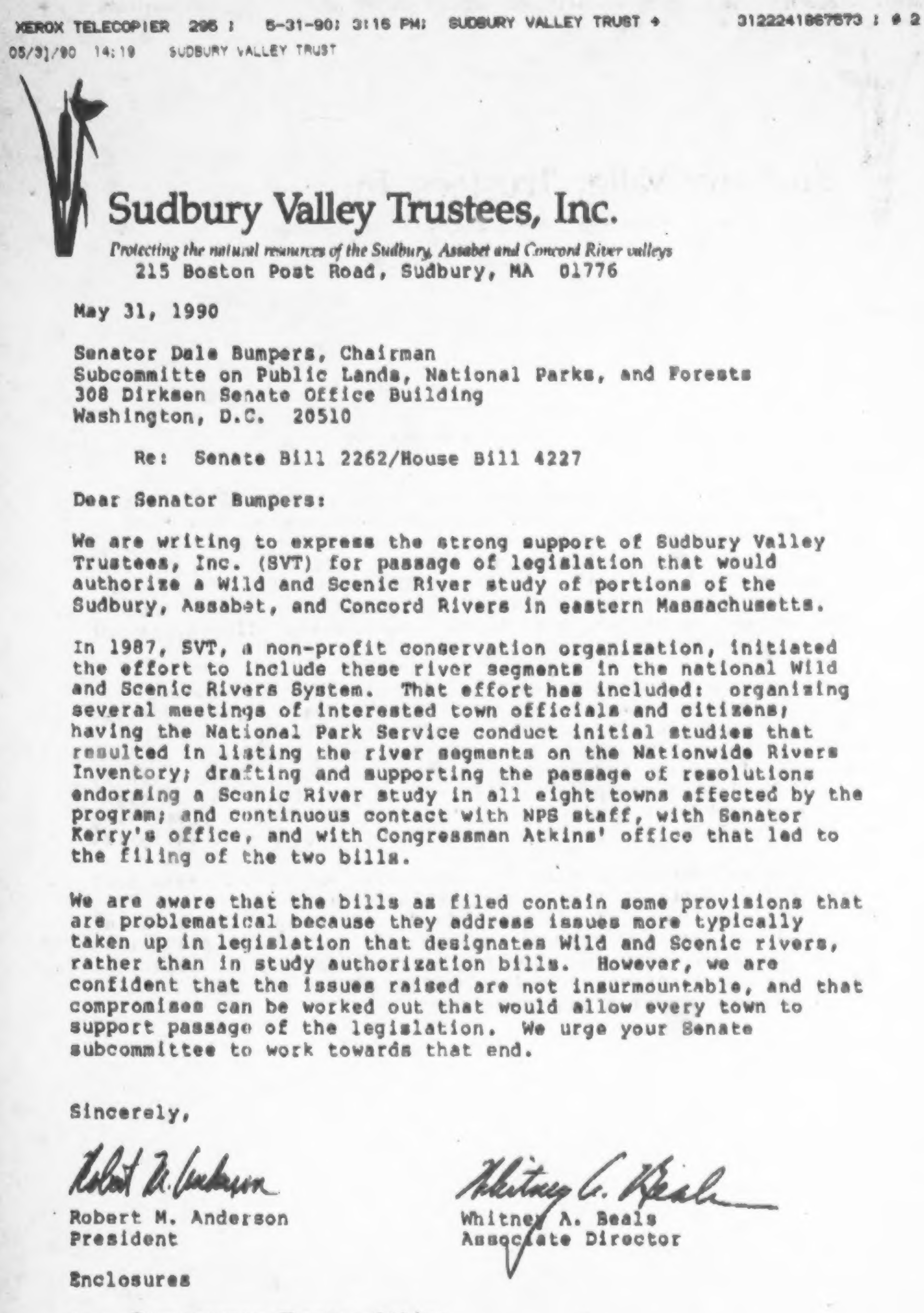
(9) A financial strategy to identify public and private sources of revenue and assistance with respect to implementing a management plan.

(f) STUDY NOT TO RECOMMEND CONDEMNATION.--The study of the river segments listed under section 3 of this Act shall not recommend the acquisition by the United States by condemnation of fee title to any private lands subject to the study or any lands subject tot he study which are owned by a State or local government.

(g) DRINKING WATER SUPPLY FOR TOWN OF BEDFORD.--The study shall reflect the importance of the Concord River as a potential drinking water supply for the Town of Bedford, and nothing in the study shall recommend restricting the use of the river for Bedford's water needs, consistent with sound water supply planning and appropriate measures to protect the river consistent with section 7 of the Wild and Scenic Rivers Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.



XEROX TELECOPIER 295 ; 5-31-90; 3:16 PM; SUDBURY VALLEY TRUST → 3122241867573 ; # 2
05/31/90 14:19 SUDBURY VALLEY TRUST

Sudbury Valley Trustees, Inc.
Protecting the natural resources of the Sudbury, Assabet and Concord River valleys
215 Boston Post Road, Sudbury, MA 01776

May 31, 1990

Senator Dale Bumpers, Chairman
Subcommitte on Public Lands, National Parks, and Forests
308 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Senate Bill 2262/House Bill 4227

Dear Senator Bumpers:

We are writing to express the strong support of Sudbury Valley Trustees, Inc. (SVT) for passage of legislation that would authorize a Wild and Scenic River study of portions of the Sudbury, Assabet, and Concord Rivers in eastern Massachusetts.

In 1987, SVT, a non-profit conservation organization, initiated the effort to include these river segments in the national Wild and Scenic Rivers System. That effort has included: organizing several meetings of interested town officials and citizens; having the National Park Service conduct initial studies that resulted in listing the river segments on the Nationwide Rivers Inventory; drafting and supporting the passage of resolutions endorsing a Scenic River study in all eight towns affected by the program; and continuous contact with NPS staff, with Senator Kerry's office, and with Congressman Atkins' office that led to the filing of the two bills.

We are aware that the bills as filed contain some provisions that are problematical because they address issues more typically taken up in legislation that designates Wild and Scenic rivers, rather than in study authorization bills. However, we are confident that the issues raised are not insurmountable, and that compromises can be worked out that would allow every town to support passage of the legislation. We urge your Senate subcommittee to work towards that end.

Sincerely,

Robert M. Anderson — Whitney A. Beals

Robert M. Anderson
President

Whitney A. Beals
Associate Director

Enclosures

cc: Congressman Chester Atkins

P.O. Box 7 • Wayland, Massachusetts 01778 • 508-443-6300
215 Boston Post Road • Sudbury, Massachusetts 01776

Sudbury Valley Trustees, Inc.
Protecting the natural resources of the Sudbury, Assabet and Concord River valleys

A SHORT HISTORY

The Sudbury Valley Trustees, Inc. is a charitable corporation that has engaged in protecting the natural resources of the Sudbury River Valley since 1953. It acts as steward for land with high natural resource or landscape value; it supports the work of other area groups with compatible environmental interests; it exercises a supervisory and watchdog capacity with respect to events directly affecting the watershed; and it encourages useful directions for study and research.

For twenty-eight years SVT was managed entirely by volunteers. In 1981, increasing conservation and maintenance responsibilities required a more structured base. SVT currently operates with a staff of five. It is supported by a membership that stands at just over 2,500 families, individuals, and corporations. SVT currently owns, through gift and purchase, in excess of 1,150 acres in eight Sudbury River Valley towns. It has been instrumental in preserving several thousand additional acres now protected by public agencies.

SVT serves as a secure trustee for land gifts and it purchases land consistent with its theme of river, wetlands, agriculture, and open space protection. It is qualified to accept conservation restrictions, now used commonly as a tool for resource protection and for the preservation of open space. Because SVT is a 501(c)(3) charitable organization, contributions to SVT are tax deductible in accordance with federal and state laws.

P.O. Box 7 • Wayland, Massachusetts 01778 • 508-443-6300
215 Boston Post Road • Sudbury, Massachusetts 01776

TOWN OF SUDBURY
Conservation Commission

Sudbury, Mass.
01776

May 29, 1990

Senator Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks, and Forests
308 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Bumpers,

The Sudbury Conservation Commission supports Federal legislation filed by Senators Kerry and Kennedy, and Congressmen Markey and Atkins to include segments of the Sudbury, Assabet, and Concord Rivers in a Wild and Scenic study. The bills are S2262 and HR4227.

The citizens of Sudbury have shown an interest in this study by unanimously passing a Resolution supporting this study at Town Meeting. Our Town Meeting is one of the few remaining where each citizen present has an individual vote.

We urge support in the passage of this bill.

Sincerely,
Muriel Plonko
Muriel Plonko
Commissioner

cc: Senator Kerry
Senator Kennedy
Congressman Atkins
Congressman Markey

O.A.R.
Organization for the Assabet River
Damonmill Square, Concord, Massachusetts 01742
(508) 369-3956

June 1, 1990

Senator Dale Bumpers, Chair
Subcommittee on Public Lands, National Parks and Forests
308 Dirksen Senate Office Building
Washington, D.C. 20510

Re: S. 2262, the Sudbury, Assabet and Concord Wild and Scenic River Study Act

Dear Senator Bumpers:

The Organization for the Assabet River (OAR) strongly supports passage of the Sudbury, Assabet and Concord Wild and Scenic River Study Act in its current form. OAR is dedicated to restoring and protecting the Assabet River. We have been working for two years with conservation groups and local town officials to inform people about this proposal and to develop the widest possible base of support for it.

The portion of the Assabet which is to be included in the study lies entirely within the town of Concord, Massachusetts. It starts just below a historic mill and then flows past Col. James Barrett's farm (the eventual destination of the British redcoats when the "shot heard 'round the world" was fired to start the American Revolution) and then into a stretch about which Nathaniel Hawthorne wrote: "A more lovely stream than this, for a mile above its junction with the Concord, has never flowed on earth." Canoeing there even now is a remarkably secluded experience.

These rivers warrant study because of their beauty and because they are so entwined with the political and literary history of our nation. And they need protection through a comprehensive conservation plan because they are also part of a thriving twentieth century community. It is this current day reality which makes local cooperation essential to the success of the study.

It is our understanding that several provisions of the bill have come under especially close scrutiny and we would like to comment on those in particular.

1. The prohibition on condemnation. The National Park Service has already acquired significant parcels of land in

Adopt the Assabet

Concord for Minuteman National Historical Park, a fact that has left a residue of bitterness and mistrust in residents. The U.S. Fish and Wildlife Service has a large refuge along the rivers. In short, there is already a significant federal presence in Concord.

It is our belief that for many reasons condemnation is not a viable option for further protection of these rivers and that to rule it out at the outset will reassure residents and provide a context in which the study can commence without this burden of local apprehension. We believe the prohibition on condemnation will enable the study to proceed more efficiently.

2. The creation of a Study Committee. This is proposed as a means of assuring that local knowledge and concerns are integral to the progress of the study. Again, these rivers are entwined with the life of our community and planning for them must include residents at every step.

3. Local veto power over designation. Again, this is a provision that was designed to assure residents that designation could not be federally imposed without their consent.

We at the Organization for the Assabet River are looking forward to this study as an opportunity to think creatively about long range planning and protection from the perspective of the rivers and their resources. We thank you for your quick consideration of the bill and hope that it will be passed by the Senate in its current form.

Very truly yours,

Robert Clare McDonald

Robert C. McDonald,
Executive Director

Elizabeth Stokey

Elizabeth E. Stokey,
Executive Board
Wild and Scenic River Liaison

cc: Sen. John Kerry
Sen. Edward Kennedy
Rep. Chester Atkins
Rep. Edward Markey

THE WILDERNESS SOCIETY

STATEMENT BY SYDNEY J. BUTLER, VICE PRESIDENT FOR CONSERVATION, THE WILDERNESS SOCIETY, BEFORE THE U.S. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, IN SUPPORT OF H.R. 3834 AND S. 2067, THURSDAY MAY 17, 1990

Mr. Chairman, on behalf of our more than 365,000 members, I urge prompt approval of legislation providing for a one-year Park Service study of a Selma-to-Montgomery National Historic Trail.

In March, 1965, black Americans had the right to vote--on paper. In reality, many of them, especially in pockets of the South, faced a series of hurdles that blocked their rightful participation in the nation's political system.

Martin Luther King, Jr., and other black leaders were determined to remove these hurdles. In Selma, Alabama, a series of activities early that year had galvanized blacks, and plans were laid for a climactic march along Highway 80 to Montgomery, the state capital. The participants were to set off Sunday, March 7, from Brown Chapel. Governor George Wallace banned the march and told the State Director of Public Safety, Al Lingo, to enforce his order "with whatever means are available."

Dr. King could not be there, but leading the 525 marchers were John Lewis, chairman of the Student Nonviolent Coordinating Committee, and King aide Hosea Williams. The marchers never made it out of Selma. As they crossed the Edmund Pettus Bridge,

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(202) 842-3400

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they were confronted by four lanes of state troopers and sheriffs' possemen, standing three deep. "Turn around and go back to your church!" an officer shouted to the marchers through a bullhorn. When the marchers failed to do so quickly enough, the police charged. Using bullwhips, billy clubs and tear gas, they injured 17 marchers seriously enough to put them in the hospital. More than 70 others required treatment for their injuries. John Lewis suffered a fractured skull.

March 7 became known as "Bloody Sunday." Across the country, Americans watched the day's stunning events on their TV's. As they did so, the politics of disenfranchisement were transformed. Eight days later, President Johnson went before a joint session of Congress to introduce the Voting Rights Act, saying of the march that "at times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom."

On their third try, March 21, the marchers finally covered the entire 54 miles to Montgomery. They had obtained a federal court order, and, to protect the marchers, President Johnson had federalized 1,863 Alabama National Guardsmen. Other protection came from military police, FBI agents, and U.S. Marshals. Dr. King was with John Lewis and other leaders at the head. "You will be the people that will write a new chapter in the history books of our nation," King told the marchers before they set out. And, during the next three days, they did.

On August 6, President Johnson signed the Voting Rights Act into law. John Lewis is a symbol of how far black Americans have come since Bloody Sunday: today he is the Congressman from Georgia's Fifth District. As you know, he is the chief sponsor of H.R. 3834.

There are only eight national historic trails in the system. Three more are nearing approval. A Selma-to-Montgomery trail, which would be the shortest in the system by far, would be a superb addition and the only one to recognize black Americans' struggle for justice. Other trails mark the routes taken by the Nez Perce, the Cherokees, the Mormons, Revolutionary war soldiers, and explorers.

Mr. Chairman, we support swift approval of this legislation so that the Park Service can begin its study and thus lay the groundwork for the establishment of this historic trail.

○